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EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-second session

UNHCR ACTIVITIES FINANCED FROM VOLUNTARY FUNDS
REPORT FOR 1990-1991 AND PROPOSED PROGRAMMES AND BUDGET FOR 1992

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the High Commissioner's report on UNHCR activities financed by voluntary funds for 1990-1991 and proposed programmes and budget for 1992, as contained in the overview document (A/AC.96/775) and Parts I to VI of document A/AC.96/774. The Committee also considered a number of other documents for submission to the forty-second session of the Executive Committee in October 1991, including UNHCR's capacity to respond to emergencies (EC/SC.2/1991/CRP.14), UNHCR programme/funding projections for 1991 (EC/SC.2/1991/CRP.15) and Note on the review of the classification of the Directors'(D-2) posts in UNHCR (EC/SC.2/1991/CRP.16). In addition, the Advisory Committee had before it the UNHCR progress report on the implementation of the recommendations of the Board of Auditors and the related recommendations of the ACABQ for the year ending 31 December 1989 (A/AC.96/773) and the report on action taken by UNHCR on the recommendations of the Temporary Working Group of the Executive Committee on programme, budgetary, administrative and organizational matters (A/AC.96/761).

2. During its consideration of the above-mentioned reports, the Committee met with the High Commissioner and her colleagues who provided additional information.

General observations

3. The Committee is of the view that there is a need for simplification and more transparency of the reports on UNHCR activities financed by voluntary funds. In this connection, the Committee believes that it is essential that

the overview document contain a consolidated overall table on the staffing of its field offices and units at Headquarters for all categories of personnel, indicating actual and proposed redeployments, reclassifictions, abolition and establishment of regular budget and project posts. The overview should also contain an overall table, listing, by objects of expenditure, actual expenses and initially proposed and revised budgetary requirements with corresponding increases/decreases. The information in tables should be clear and easy to read. The Committee further requests UNHCR, in future to provide detailed information on the utilization of the Emergency Fund which has been increased to $ 20 million.

4. In this connection, the Committee recalls its recommendation in its last report on UNHCR activities for 1989-1990 "that, in future, the details of overall allocations be re-incorporated within the overview document." As stated in paragraph 22 of the overview document (A/AC.96/775), that information is currently included in part VI of document A/AC.96/774. The Committee is of the view that some of the above information belongs more appropriately in the overview.

5. The Committee understands that some of the current procedures for reporting on programme management, implementation and evaluation of projects are cumbersome and costly. The Committee recommends that UNHCR, in close consultation with donors, should streamline its reporting and payment procedures to make them more manageable and cost-effective (see documents A/AC.96/773, para.5(e) and A/AC.96/761).

6. The Committee recalls that the Board of Auditors noted in its Report to the General Assembly on the accounts of the voluntary funds administered by UNHCR for the year ending 31 December 1990 a number of irregularities and reporting delays by implementing partners. The Committee notes that a new project agreement has been designed which makes the submission of certified/audited accounts obligatory (document A/AC.96/773, para.5 (f)). In view of the heavy reliance of UNHCR on implementing partners for the execution of projects, the Committee recommends that UNHCR further strengthen its control and monitoring procedures. The Committee is also of the view that problems related to Government implementing partners should receive greater attention by the Executive Committee.

7. The Advisory Committee welcomes the High Commissioner's observations and clarification regarding the distinction between General and Special Programmes (see recommendation of the Temporary Working Group of the Executive Committee, A/AC.96/761, paras.15 to 20). The Committee trusts that UNHCR will continue its efforts to reflect clearly the scope of coverage of General Programmes versus Special Programmes, as recommended by the Temporary Working Group.

<u>UNHCR's capacity to respond to emergencies (EC/SC.2/1991/CRP.14)</u>

8. As noted in paragraph 9 of the overview (A/AC.96/775), "the global refugee situation deteriorated in an unprecedented manner, due particularly to developments in the Middle East region and Africa. At present, there are some 17 million refugees in the world, a figure which increased dramatically as a result of some of the largest and swiftest population flows experienced during the four decades of existence of UNHCR." The High Commissioner further noted that "this past year has proven to be one of the most challenging and dramatic in UNHCR's history. We have been faced with refugee emergencies of unprecedented scale and complexity."

9. The Committee appreciates that UNHCR was able to deal with the recent large number of emergencies and notes that the expansion of the Emergency Fund from $ 10 to $ 20 million has provided the Office with more flexibility to respond to emergencies. The Committee notes from paragraph 27 of the overview document that "during the first five and a half months of 1991, $ 16 million had to be allocated from the Fund for emergency needs, of which $ 3 million was later reimbursed to the Fund, following the receipt of contributions to special appeals."

10. The Committee welcomes the High Commissioner's proposals in document EC/SC.2/1991/CRP.14 to improve UNHCR's emergency preparedness and response capability through provision of qualified stand-by personnel and emergency stockpiles. The Committee notes that the proposed mechanism is based on the concept of five Emergency Response Teams, each comprising five staff members with a wide variety of expertise, who would remain on their normal posts on stand-by; in addition, each team would be headed by a full-time Team Leader. To this effect, UNHCR proposes to establish five Professional posts in the Emergency Preparedness and Response Section with recurring costs estimated at $ 900,000 annually from the Emergency Fund; these would subsequently be attributed as support costs to emergency operations as they arise. The Committee was informed that the breakdown for the estimated annual requirements and the period October to December 1991 would be as follws:

Emergency preparedness and response
in US dollars

Description of budget items	Est. Annual Requirements	Requirements Oct/Dec. 91
Salaries:		
5 P4/L4 Team Leaders	393,000	98,250
1 G6 Programme Assistant	51,000	12,750
2 G4 Secretaries	86,000	21,500
Sub-total Salaries:	530,000	132,500
Common Staff Costs	185,000	46,250
Travel	75,000	18,750
General Operating Expenses	45,000	11,250
Supplies and Materials	15,000	10,000
Permanent Equipment	50,000	30,000
TOTAL:	900,000	248,750

11. The Committee notes that UNHCR plans to establish an Emergency Roster of approximately 80 UNHCR staff as a back-up to the Emergency Response Teams, maintain a computerized roster of over 500 technical specialists experienced with UNHCR, including locally available experts as well as UN Volunteers, and

establish a mechanism in large-scale emergencies for the call-up of short-term personnel on secondment from Governments. The High Commissioner intends to sign formal agreements with donors for stand-by capacity, including short-lists of local expertise for emergencies.

12. The Committee notes that UNHCR proposes to establish an emergency stockpile at a cost of $ 3.1 million, at current market rates for a population of about 50,000, to enhance its capacity to respond to emergency situations. The Committee was informed by representatives of the High Commissioner that donors might make special contributions to meet the start-up costs for the emergency stockpile, including warehouse management and transportation, and that it is likely that there would be no need to resort to the Emergency Fund. The Committee further notes that the cost of supplies used from the stockpile for emergencies would be charged to specific emergency operations, thus ensuring its automatic replenishment.

13. The High Commissioner emphasized the importance of inter-agency co-operation in emergency relief coordination and reintegration assistance and the need for a strong standing capacity of each participating agency to strengthen the current system. The Committee understands that to this effect, an informal Interagency-Group has been established. The Committee welcomes the measures taken by UNHCR and emphasizes the need for corresponding initiatives by other agencies, in particular the establishment of a mechanism for effective co-ordination of emergency operations.

Classification review of Director (D-2) posts (EC/SC.2/1991/CRP.16)

14. The High Commissioner proposes a net increase of four D-2 posts from a total of 12 to 16 D-2 posts as a result of the reclassification of five D-1 posts to the D-2 level and the downgrading of one D-2 post. The 16 D-2 posts would be assigned as follows: nine at headquarters for the heads of divisions/bureaux (Division of International Protection, Divion of Programmes, Support, Budget and Finance, Division of External Affairs, Division of Human Resources Management and five Regional Bureaux) and seven in the field for the (Regional) Representatives in Ethiopia, Sudan, Pakistan, Thailand, Costa Rica, Senegal and at United Nations headquarters, New York).

15. The Committee has, in principle, no objection to the proposed upgrading, taking into account that the number of senior posts at UNHCR is relatively low compared to the total 1991 budget of UNHCR and the increased scope and complexity of programmes and emergencies. At the same time, the Committee cautions against compartmentalization and grade-creep at UNHCR headquarters and requests the High Commissioner and the Executive Committee to keep the present structure of UNHCR under review with this in mind. The Committee points out that over the last years the number of senior posts at the P-5 level and above has risen faster at headquarters than in the field, resulting in an increase of the average grade at headquarters from 3.75 in 1986 to 3.98 in 1991 while it declined in the field from 3.52 to 3.50. The Committee therefore believes that there is a need to devise a coherent and practical policy for the proper grading of posts at headquarters and in the field.

Programme/funding projections for 1991 (EC/SC.2/1991/CRP.15)

16. As can be seen from the table in document EC/SC.2/1991/CRP.15, a total shortfall of $ 93.5 million is projected for all sources of funding. The Committee notes that as at 1 September 1991, UNHCR has received income of $ 352.7 million for General Programmes against 1991 funding requirements of $ 368.2 million and is projecting further income of $ 15.5 million by the end of this year. The Committee was informed that the funding for General Programmes in 1991 is more or less assured and that no shortfall will occur.

17. With regard to Special Programmes, the Committee notes that as at 1 September 1991, UNHCR has recveived $ 437.8 million against 1991 funding requirements of $ 565.1 million and is projecting further income of $ 75.0 million by the end of this year, resulting in a projected shortfall of $ 52.3 million. The Committee was informed that there is a good prospect that the projected shortfall will be reduced by the end of this year by special contributions in response to additional appeals launched by the High Commissioner regarding the Horn of Africa and other Special Programmes.

18. Representatives of the High Commissioner stated that in response to funding appeals by the Secretary-General donors have given indications of contributions in kind for the Western Sahara repatriation in the amount of $ 16.5 million and for other operations.

Overall expenditure

19. The Committee was provided with three tables on 1990 UNHCR expenditure, 1991 initial and revised estimates and 1992 projections: Table A summarizes by continent total UNHCR expenditure in 1990 from all sources of funding and provides the 1991 initial and revised/approved estimates as well as projections for 1992. Table B provides a breakdown of the same totals by allocations (operations and programme support & administration) and source of funds (Regular Programme, General Programmes and Special Programmes). In table C the programme support and administration totals are broken down by source of funds. Information regarding Special Programmes budgets has been included to provide a complete list of expenditures. The Committee requests that, in future, these tables be included in the overview document.

TABLE A

TOTAL UNHCR EXPENDITURE IN 1990, ESTIMATES FOR 1991 AND PROJECTIONS FOR 1992

REGIONAL BUREAU/ OVERALL ALLOCATIONS	1990		1991				1992	
	EXPENDITURE		INITIAL ESTIMATES		REVISED ESTIMATES		PROJECTIONS	
	US$ '000	%	US$ '000	%	US$ '000	%	US$ '000	%
Africa	225,867.8	40.1%	193,711.9	36.1%	239,239.1	24.5%	180,555.8	30.1%
Asia and Oceania	101,908.7	18.1%	127,808.4	23.8%	148,942.1	15.2%	136,563.3	22.8%
Europe and North America	27,300.3	4.8%	20,560.2	3.8%	31,927.9	3.3%	24,707.1	4.1%
Latin America and the Caribbean	43,392.3	7.7%	26,347.8	4.8%	47,598.7	4.8%	40,474.7	6.7%
South West Asia, North Africa and the Middle East	97,559.7	17.3%	62,159.6	11.6%	395,714.0	40.5%	96,695.0	16.1%
Overall allocations	67,833.2	12.0%	105,592.9	19.7%	113,393.3	11.6%	121,018.3	20.2%
SUB-TOTAL	563,862.0	100.0%	536,180.9	100.0%	976,815.1	100.0%	600,014.2	100.0%
Programme Reserve	a/		12,760.4		7,500.0		32,095.9	
Emergency Fund	a/		20,000.0		13,337.0		20,000.0	
TOTAL	563,862.0		568,941.3		997,652.1		652,110.1	

a/ Actual expenditure are included above in the relevant regions.

TABLE B

TOTAL UNHCR EXPENDITURE IN 1990, ESTIMATES FOR 1991 AND PROJECTIONS FOR 1992

(by allocations and sources of funds)

ALLOCATIONS/ SOURCE OF FUNDS	1990 EXPENDITURE US$ '000	1990 EXPENDITURE %	1991 INITIAL ESTIMATES US$ '000	1991 INITIAL ESTIMATES %	1991 REVISED ESTIMATES US$ '000	1991 REVISED ESTIMATES %	1992 PROJECTIONS US$ '000	1992 PROJECTIONS %
Allocation								
Operations	474,661.0	84.2%	490,804.0	86.3%	916,870.2	91.9%	573,371.9	87.9%
Programme Support & Administration	89,201.0	15.8%	78,137.3	13.7%	80,781.9	8.1%	78,738.2	12.1%
TOTAL	563,862.0	100.0%	568,941.3	100.0%	997,652.1	100.0%	652,110.1	100.0%
Source of funds								
Regular Budget	19,852.5	3.5%	17,296.3	3.0%	17,312.3	1.7%	17,185.6	2.6%
General Programmes	331,293.4	58.8%	356,555.5	62.6%	379,038.3	38.0%	373,054.8	57.2%
Special Programmes	212,716.1	37.7%	196,089.5	34.5%	601,303.5	60.3%	261,869.7	40.2%
TOTAL	563,862.0	100.0%	568,941.3	100.0%	997,652.1	100.0%	652,110.1	100.0%

TABLE C

BREAKDOWN OF UNHCR PROGRAMME SUPPORT AND ADMINISTRATIVE COSTS BY SOURCE OF FUNDS

FOR 1990 EXPENDITURE, 1991 (INITIAL AND REVISED) AND 1992

SOURCE OF FUNDS	1990 EXPENDITURE US$ '000	1990 EXPENDITURE %	1991 INITIAL ESTIMATES US$ '000	1991 INITIAL ESTIMATES %	1991 REVISED ESTIMATES US$ '000	1991 REVISED ESTIMATES %	1992 PROJECTIONS US$ '000	1992 PROJECTIONS %
Regular Budget	19,852.5	22.3%	17,296.3	22.1%	17,312.3	21.4%	17,185.6	21.8%
General Programmes	61,427.9	68.9%	55,522.9	71.1%	58,409.6	72.3%	57,032.9	72.4%
Special Programmes	7,920.6	8.9%	5,318.1	6.8%	5,060.0	6.3%	4,519.7	5.7%
TOTAL	89,201.0	100.0%	78,137.3	100.0%	80,781.9	100.0%	78,738.2	100.0%

General Programmes

20. The Committee notes from the overview (table on UNHCR General Programmes) that the total expenditure for 1990 General Programmes in the end-of-year accounts amounted to $ 331,293,400, including $ 7,046,500 for the Emergency Fund and a reduction of $ 12,281,875 for internal transportation, storage and handling (ITSH) met through WFP. As recalled in paragraph 54 of the overview, the forty-first session of the Executive Committee approved a budget for 1991 General Programmes of $ 345,555,500, which was subsequently increased by the Executive Committee at its special sessions in February and June 1991 to $ 355,555,500 to include a $ 10 million increase in the Emergency Fund and then to $ 379,036,300 (see A/AC.96/771) to cover new needs, especially in Africa (see table B above). Details of these estimates and overall allocations are included in document A/AC.96/774 (Parts I to VI).

21. The Committee was informed that in June 1991 the High Commissioner and the Executive Director of the World Food Programme (WFP) submitted to Governments proposals for a new working arrangement which would entail an expansion of WFP's responsibility in both resource mobilisation and delivery of refugee food aid as from 1 January 1992. Accordingly, WFP would become the lead-agency for fund-raising and internal transportation of food aid. The Committee was informed that many donors have indicated their support, in principle, and have asked for more time to examine fully the implications of the new arrangements on their current pledging procedures. In view of this delay, the envisaged transfer of responsibilities to WFP would now have to be phased in over a period of time and transitional arrangements would be worked out between WFP and UNHCR in 1992 in close consultation with donors. The Committee notes that under the already ongoing co-operation arrangements between the two agencies, reimbursement to UNHCR by WFP of $ 20 million in 1991 and 1992 respectively are budgeted for (see overview document, para.54).

22. The High Commissioner informed the Committee that while emergency operations have increased and the vast majority of refugee situations are long-standing ones, another major priority was to seek durable solutions. The repatriation situation as the best durable solution had improved with the safe return of Namibians and Nicaraguans and the start of the return of Afghans. The voluntary repatriation of refugees to Western Sahara, South Africa and Cambodia is now being prepared. The High Commssioner noted that there was a need for more funds and more strategic thinking to facilitate voluntary repatriation and the reintegration of returnees; consequently, the conditions in the countries of origin needed to be improved so that returnees do not become destitute again after their repatriation. The Committee fully concurs in the High Commssioner's views and notes that there is an urgent need for closer co-operation with other agencies in the area of refugee aid and development.

Programme Reserve

23. As recalled in paragraph 56 of the overview, the 1990 revised target of $ 340.9 million for General Programmes, as approved by the Executive Committee, included a Programme Reserve of $ 3 million. In 1991, the Programme Reserve was initially established at a level of 3 per cent of programme activities for 1991, or $ 12,760,400. For the period June-December 1991, it was reduced to $ 7.5 million in the revised target for General

Programmes. For 1992, the High Commissioner proposes to raise the level of the Programme Reserve to $ 32,095,900 in 1992, or 10 per cent of programmed activities, as was the case in the past, taking into account a $ 20 million reduction from the programme activities for ITSH. Upon inquiry, the Committee was informed that the Programme Reserve can only be used for General Programmes, including programme support and administration (PSA) and project personnel expenditure (PPE).

24. The Committee was informed that the increase in the Programme Reserve would enable the High Commissioner to respond promptly to the rapidly changing programme needs without having to resort to a large number of special funding appeals. The Committee concurs in the High Commissioner's proposal to increase the Programme Reserve to 10 per cent of programmed activities for the purposes indicated in paragraph 57 of the overview document.

Interest and exchange gains/losses

25. Upon inquiry, the Committee was informed that interest earnings and net exchange rate gains from invested funds are credited to the General Fund in accordance with UNHCR Financial Rule 9.3 and not to the respective trust fund or special account which generated this income. The Committee, however, notes that the UNHCR Financial Rules also provide for a number of major exceptions such as adjustments to prior years' expenditure to be applied to the fund from which the expenditure was incurred. The Committee is of the view that interest income or exchange rate gains accrued from funds in a trust fund or special account should normally be credited to that account, as is the practice at the United Nations. In this connection, the Committee recalls that according to Financial Rule 109.4 (b) of the United Nations:

> "Income from investments of trust funds and special accounts shall include amounts from investments, royalties and other income derived from or accruing to such funds and shall be credited to the trust fund or special account concerned."

Accordingly, the Committee recommends that the matter be reviewed in consultation with donors.

Support costs

26. The Committee notes that the actual UNHCR expenditure in 1990 for PSA and PPE under General Programmes totalled $ 97.3 million compared to the 1990 estimates of $ 93.3 million. As indicated in paragraphs 152.1 to 153 of the overview document, the impact of the measures to improve the remuneration system of the Professional category and above under General Assembly resolution 44/198 accounts for $ 1.9 million of the increase in expenditure in 1990, a further $ 1.9 million relates to the cost in 1990 of the retrenchment exercise and an additional $ 2.0 million to exchange rate losses, partly offset by savings of $ 1.8 million on non-staff costs (mainly in the field) through economy measures introduced in 1990. With regard to the increase of $ 1.9 million, the Committee recalls that in its resolution 44/198 I the General Assembly requested the organizations concerned:

> "to make all necessary efforts to absorb in 1991 and subsequent years a significant portion of the additional costs arising in respect of the regular budget of the United Nations as a result of the adoption of the present resolution."

27. The Committee recalls that the High Commissioner indicated in the overview document on UNHCR activities for 1989-1990 (A/AC.96/753, para.115) the plan "to analyze the current distribution of posts between Programme Support and Administration (PSA) and Project personnel Expenditure (PPE) based on the functions carried out by each post as well as the programme to which they are affected." The Committee notes from paragraph 170 of the overview that UNHCR has not been in a position to carry out such a study due to the additional workload relating to the large increase of emergency operations. The Committee therefore requests that the distribution of PSA and PPE posts at UNHCR be analysed and a comprehensive report be submitted to the Advisory Committee for early consideration.

Overall staffing situation

28. As indicated in the analysis of overall staffing levels (PSA/PPE) under paragraph 170 of the overview, the number of posts increased at headquarters from 481 as at 1 January 1986 to 567 as at 1 July 1991 while it increased in the field from 1593 to 1662; this corresponds to an increase of 18 per cent at headquarters compared to only 4 per cent in the field. As a result, over the last five years the ratio of total posts at headquarters/field shifted in favour of headquarters from 23.2 to 25.4 per cent. The Committee expresses its concern about this development, bearing in mind the recommendation of the Temporary Working Group of the Executive Committee, which:

> "Underlined that greater effort should be made to discontinue headquarters positions. The existing 25/75 per cent ratio of headquarters to field positions should be further shifted in favour of the field. This would put more UNHCR personnel in the field to carry out operational activities, and reduce overall personnel costs due to the high cost of maintaining personnel in Geneva." (A/AC.96/742, para.41(1))

The Advisory Committee therefore cautions UNHCR against a disproportionate increase of headquarters posts compared to the field.

29. The Committee understands that UNHCR is facing serious difficulties in accommodating the increasing number of headquarters staff in several buildings at Geneva which is not very efficient and entails additional costs. The Committee points out that to the extent UNHCR is successful in increasing the proportion of its staff in the field, the pressure on headquarters accommodation will ease.

30. Subject to the observations and recommendations made above, the Advisory Committee has no objection to the proposed overall allocations for the 1992 General Programmes amounting to $ 373,054,800, including $ 32,095,900 for the Programme Reserve and $ 20 million for the Emergency Fund, as summarized in paragraph 58 of the overview document (A/AC.96/775).

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EXECUTIVE COMMITTEE OF THE
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Forty-second session

UNHCR ACTIVITIES FINANCED FROM VOLUNTARY FUNDS:
REPORT FOR 1990-1991 AND PROPOSED PROGRAMMES AND BUDGET FOR 1992:

Report of the Advisory Committee on Administrative
and Budgetary Questions

Paragraph 18

For the existing text substitute

18. Representatives of the High Commissioner stated that in response to funding appeals by the Secretary-General donors have given indications of contributions in kind for the Western Sahara repatriation in the amount of $ 16.5 million and for other operations. In this connection, the Committee was informed that the account for the repatriation of Namibians has been closed.

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EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-second session

Report of the Sub-Committee of the Whole on International Protection

1. The Sub-Committee of the Whole on International Protection met on 3 October 1991 under the chairmanship of His Excellency Mr. Emeka Ayo Azikiwe of the Federal Republic of Nigeria. The following agenda was adopted:

(1) Report of the Working Group on Solutions and Protection (EC/SCP/64);

(2) Resettlement as an Instrument of Protection: Traditional Problems in Achieving this Durable Solution and New Directions in the 1990s (EC/SCP/65);

(3) The Safe Country Concept and Refugee Status (EC/SCP/68);

(4) Any other business;

(5) Adoption of the report to the Executive Committee.

Report of the Working Group on Solutions and Protection

2. The report of the Working Group on Solutions and Protection (document EC/SCP/64) was introduced by the Working Group's Chairman, Ambassador Morland (United Kingdom). Ambassador Morland circulated a short introductory summary covering the mandate of the Working Group, its methods and scope of work and the content of its report. He said that two of the underlying themes of Working Group discussions had been the proper scope and direction of UNHCR activities and the search for practical solutions to refugee problems. As to the former, more work was needed. A key role for the High Commissioner in relation to the latter was promoting dialogue between States and devising imaginative measures to facilitate return. An important concern remained the responsibilities of States for their own citizens. Voluntary repatriation was encouraged and UNHCR and asylum countries could benefit through a re-alignment of expenditure from care and maintenance towards solutions. Another important

issue, he said, had been the increase in manifestly unfounded claims which was undermining the asylum system and threatening protection to refugees. When an asylum-seeker is found not be a refugee, it was a decision for the receiving State whether or not to allow him or her to stay. The Working Group recognized, said Ambassador Morland, that UNHCR should give its support to repatriation when satisfied with the procedures.

3. Ambassador Morland added that some issues under discussion in the Working Group went beyond the capacity of the Group to come up with any comprehensive strategy, including particularly the problems of the internally displaced. In this connection questions of national sovereignty had been a concern, even while the Group recognized the severity of the plight of the internally displaced and the possibility that such persons would cross borders, with implications for neighbouring countries and the international community generally. Another issue the Working Group discussed was the question of emergency response and recommended better coordination between UN agencies and improved financial provisions and standby capacity. As to UNHCR's relationship with other agencies, Ambassador Morland noted that this was one of the issues discussed also during the 1990 Temporary Working Group exercise, but it remained a fundamental issue. UNHCR was making good progress here. In addition, refugee issues were increasingly prominent on the agendas of other international bodies.

4. In the ensuing debate, many delegations welcomed the Working Group's report as a valuable, comprehensive and well-balanced basis for ongoing discussion on important issues affecting protection, assistance and solutions for refugees and other displaced groups. The able chairmanship of Ambassador Morland was widely commended, and he, the Rapporteur (Dr. Mahiga, United Republic of Tanzania), all participating delegations and UNHCR were all praised for their combined efforts in producing a most useful report, as well as for the spirit of cooperation which prevailed during the Working Group's meetings and those of the Friends of the Rapporteur.

5. A number of delegations made the point that the report was a consensus text which basically reflected the concerns of participating delegations on important matters. Many also suggested the report should be adopted by the Executive Committee and that provision should be made for follow-up both on matters raised in the Report and its conclusions, as well as on other protection issues generally.

6. A number of other delegations stressed that the report, while a positive and important contribution to further consideration of major refugee and protection issues, inevitably reflected compromise positions on important matters and could not, therefore, necessarily be said to meet all concerns of all participating delegations. Some also suggested in this connection that the report should be received or accepted with appreciation, but not necessarily, at this point, adopted in its entirety. Issues in it should, though, they felt, be actively followed up.

7. Several delegations suggested that an appropriate follow-up mechanism would be inter-sessional meetings of the Sub-Committee of the Whole on International Protection. One delegation felt that the Working Group itself should be reconvened to continue its important work.

8. In commenting generally on matters covered in the report, a number of delegations stressed the seriousness of the refugee problem today and the need for a comprehensive approach to be adopted by the international community

which balanced a number of concerns. It was suggested that this approach should take into account the extensive experience accumulated in regions around the world which were experiencing large refugee exoduses. One delegation felt that such a comprehensive approach needed to blend, in particular, humanitarian and human rights considerations, as well as foreign policy, immigration and development perspectives.

9. In commenting on the need for new approaches, one delegation noted the parallels between issues covered in the Working Group report and proposals in UNHCR's Note on International Protection concerning new directions for UNHCR protection activities. In particular, the delegation commended the emphasis in both documents on prevention as the preferable solution. Many other delegations also underlined the significance of strengthened activities in the area of prevention, including for UNHCR, either as catalyst or actor.

10. Many delegations commented on the complexity of causes of movements of people. One delegation was not convinced of the causal relationship between economic development and refugee flows. A number stressed that human rights violations were a primary cause of refugee movements and that there was a need to strengthen mechanisms to promote and protect human rights. One delegation underlined that human rights included both civil and political, as well as economic, social and cultural rights. Another delegation called for close cooperation between UNHCR and human rights bodies, including particularly the Commission on Human Rights and the Centre for Human Rights, in an effort to improve monitoring and evaluation of human rights situations generating refugee flows. That delegation felt a conclusion on this was warranted. At the same time it encouraged UNHCR to participate actively in the preparatory work of the 1993 United Nations World Conference on Human Rights.

11. Other delegations noted that causes of refugee flows included, but went beyond, human rights violations. In particular many refugees were the result of external and internal armed conflict and aggression. There was a need for the international community to work on the humanitarian front, but also on the front of inter-State relations, using as the basis the principles of peaceful co-existence between States, which needed to be promoted and developed. One delegation called for a deeper examination of the question of legal international protection for persons falling outside the 1951 Convention. Another delegation noted that the regime applicable to victims of persecution differed, particularly as regards protection and solutions, from the regime applicable to other categories.

12. The causes and the problems of internal displacement were an additional important focus for many delegations. They stressed the seriousness of the problems of the internally displaced and their need for protection and assistance. In this connection, a number of delegations also drew attention to the principles of sovereignty and territorial integrity as having a particular application when it came to assistance and protection of the internally displaced. Many delegations generally called for a more coherent system at the international level to enable a comprehensive response to the problems of internal displacement. One delegation noted in this regard that the problem is not one of paucity of international law, but rather inadequate adherence to human rights instruments, such as the Universal Declaration of Human Rights. Several delegations noted the interlinkage between assisting returnees and assisting internally displaced persons. A number stressed that voluntary repatriation was the preferred and best solution in most refugee situations, even while other durable solutions remained current in certain particular circumstances. In all cases, one delegation pointed out, solutions and protection were inseparable notions.

13. Several delegations referred to the need to address more actively problems inherent in mass movements. Some delegations noted that existing international legal instruments were directed at individual, not mass situations and that there was a need to develop policy to relate to and cope with such situations rapidly and effectively. One delegation suggested that there were lessons to be learned from the international community's response to the Albanian outflow. Assistance to the people, concerted international action to address root causes and flexible eligibility procedures were all stressed in this connection.

14. A number of delegations noted the serious strain under which refugee determination systems had come because of the growing migratory component in the flow of asylum-seekers. Several drew particular attention to the need to establish accelerated procedures, in particular for manifestly unfounded claims. The need to deal expeditiously with abusive applicants was emphasized in this connection. One delegation stressed, though, that access to procedures should be guaranteed, and that the legitimate concerns of genuine refugees had to be kept foremost in mind.

15. Several delegations made specific reference to particular recommendations of the Working Group which they felt required some clarification or further development. Several delegations mentioned in particular Recommendation (c) and underlined that further study on globalizing the OAU/Cartagena definition should be undertaken. A couple of delegations said it must be on the basis that the scope of the 1951 Convention definition was not at issue. Other delegations felt that there were a number of open questions concerning this recommendation including whether these definitions remained of regional, or were of broader, application. A number of delegations felt that Recommendation (g) and in particular sub-paragraphs 1 and 3, needed further development. One delegation pointed out that Articles 32 and 33 of the 1951 Convention did not articulate a right of asylum. Several other delegations noted the need to go more deeply into measures to prevent misuse of national status determination procedures, as well as activities to promote return of rejected asylum-seekers. Recommendation (a) of the Report also attracted comment. One delegation felt that UNHCR had a natural responsibility to promote harmonization of interpretation and implementation of the international refugee instruments and should take new initiatives to this end. A number of delegations commented on the need generally to strengthen protection for Convention refugees. Further to Recommendation (n) some delegations underlined the need actively to promote further accessions to international legal instruments for the protection of stateless persons, and the desirability of greater involvement of United Nations human rights bodies with their problems.

16. Responding to the debate, the Director of International Protection expressed appreciation for the discussions of the Working Group and of the Sub-Committee, which were extremely useful to the Office as it considered new directions. He greatly admired the spirit of cooperation which had characterized the Working Group and warmly welcomed the report.

17. He very much agreed that several issues deserved further discussion, among them the mechanisms to strengthen protection for Convention refugees and for other categories of people; internally displaced persons; preventive activity; and the question of return. Many of these issues, among others, had also been raised in the Note on International Protection, going as they did to the core of UNHCR's activities. He hoped that a number would be addressed during discussions in the Plenary.

18. At the conclusion of the discussion on this item, the Sub-Committee recommended that the Executive Committee adopt the following decision on the Report of the Working Group on Solutions and Protection.

The Executive Committee,

Accepting with appreciation the Report of the Working Group on Solutions and Protection (document EC/SCP/64);

(a) Decided to request the High Commissioner to convene such inter-sessional meetings of the Sub-Committee of the Whole on International Protection as may be necessary to continue the constructive discussions on pending issues of the Report of the Working Group, as well as on other relevant protection matters, and to seek consensus on action-oriented follow-up, as appropriate, of the Report, its recommendations, and the other relevant matters.

(b) Recognised the possibility, in this connection, for the Sub-Committee to utilise outside expertise as appropriate.

(c) Decided further to request the High Commissioner to report to the Executive Committee at its forty-third session on progress in the deliberations of the Sub-Committee.

Resettlement as an Instrument of Protection: Traditional Problems in Achieving this Durable Solution and New Directions in the 1990s

19. In his introductory comments, the Director of International Protection observed that resettlement remains an important durable solution, which is restricted predominantly to Convention or mandate refugees and is pursued as a last resort. Over the past 15 years, the Office has had problems in finding sufficient places for persons in need of resettlement, but recently there have been encouraging signs. The Director noted that the paper outlined the traditional problems facing resettlement as well as new directions foreseen for the 1990s. He expressed hope that governments would understand that resettlement needs will vary due to evolving refugee situations, that they can be counted on to respond flexibly and rapidly to the emergency protection cases and needs of vulnerable groups, and that they will bear in mind that protection elements should take precedence over immigration concerns.

20. A number of delegations expressed their appreciation of UNHCR's thoughtful and realistic appraisal of resettlement as an instrument of protection in the 1990s. Some delegations mentioned that they were among the ten resettlement countries with established resettlement quotas and one delegation noted that it had raised its quota this year. Several governments announced that they were already very flexible in responding to fluctuating needs and others mentioned that they already had contingency reserves within their resettlement programmes. Several countries called upon other states to offer annual quotas in the interest of international burden-sharing. One delegation noted that even if it did not establish a quota in the same manner as the other ten countries, it did offer consideration on the basis of individual submissions, especially of emergency cases. Some delegations pointed to the growing number of asylum-seekers as limiting the capacity of States to provide resettlement places. Several delegations emphasized that they had humanitarian programmes which complemented their refugee admission programmes.

21. Certain countries suggested more concrete guidelines should be agreed upon and implemented while another delegation mentioned that there could be differences in the interpretation when criteria are applied. One delegation emphasized the importance of a dialogue with UNHCR on the development of criteria to delineate resettlement caseloads. Another country underscored its collaboration with UNHCR and wondered whether the Office also worked closely with other countries regarding selection missions.

22. One delegation asked for clarification on what was meant by resettlement in terms of offering a refugee a future commensurate with fundamental human rights rather than in terms of protection. A second delegation questioned why children, particularly those traumatized by war, and the elderly were not listed in the vulnerable groups category. Another delegation suggested the inclusion of unaccompanied minors on the list of vulnerable groups. Many countries placed emphasis on the resettlement of vulnerable groups.

23. In response, the Chief of Resettlement Section welcomed governments' recognition of the importance of resettlement and their understanding that recent events naturally resulted in a fluctuation in the numbers of persons in need of resettlement. He mentioned that as of mid-year there were some 30,000 persons in need of resettlement. He noted that whilst not all of these persons met the specific profiles of resettlement countries he hoped that governments would be flexible in consideration of present and future resettlement requirements. With regard to criteria he explained that UNHCR tried to be as specific as possible and also to work closely with all concerned governments. He also noted that UNHCR had come close this year with one major resettlement country to establishing a mechanism for resettlement of vulnerable groups and he hoped it would be finalized by next year. He also mentioned that efforts have been intensified in terms of coordination of several countries' selection missions.

24. The Chief of Resettlement Section pointed out that the mention of a future commensurate with fundamental human rights was intended to describe those few instances where perhaps the protection element was not as pronounced as in other instances, but where UNHCR as a humanitarian organization realized that other durable solutions were not viable. He also explained that if children and the elderly were not specifically mentioned in the vulnerable groups category it was because it was understood that they were among the priority category and that if their inclusion would clarify debate on their resettlement we would be pleased to look again at the categories and highlight them.

25. He concluded by suggesting that some of the technical questions raised be discussed in scheduled meetings with delegations and warmly thanked governments for their support.

26. At the conclusion of the discussion on this item, the Sub-Committee recommended that the Executive Committee adopt the following decision on the Report on Resettlement as an Instrument of Protection.

The Executive Committee,

Reaffirming the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances,

(a) Called on governments in a position to assist, to establish refugee admission ceilings, in the context of international burden sharing;

(b) Requested States when setting refugee admission ceilings to include an adequate contingency provision which could be available depending on need to address rapidly evolving situations;

(c) Recognized that rapidly evolving situations can result in fluctuating resettlement requirements from one year to another and that admission ceilings should be adaptable to such developments;

(d) Recognized the need for rapid and flexible response to UNHCR resettlement requirements in particular for vulnerable groups and emergency protection cases subject to refugee admission requirements of receiving States;

(e) Acknowledged the utility of close consultation with UNHCR in the resettlement activities of the Office;

(f) Recognized that in reviewing UNHCR resettlement requests the protection element inherent in such requests should be taken into account;

(g) Emphasized that UNHCR pursues resettlement only as a last resort, when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.

The Safe Country Concept and Refugee Status

27. In introducing this agenda item, the Director of International Protection explained that the term "safe country" was applied in relation both to countries of origin and to countries of asylum, and that both usages have given rise to controversy. The Office appreciated the need for mechanisms allowing a fair sharing of responsibilites of States to protect refugees, in full respect of their rights and needs. With respect to safe countries of origin, the Office recognized that the concept can be a useful device in status determination procedures, and can also send a message to non-refugees who may seek to use the asylum mechanism for immigration purposes. It cannot, however, be the basis for automatic discrimination based on nationality. The Office saw value in the concept, but cautioned strongly against its misuse to bar individuals from procedures. Another point to emphasize was that the notion could be applied only where safety is measurable against stringent and objectively assessible criteria. Concerning the concept as it related to countries of asylum, the Office appreciated the need for mechanisms to share the burden of determining asylum claims. Against this background, the Director said the issue had been put on the agenda to air both the utility of the notion and the cautions which should accompany its use. He expressed hope that the Executive Committee would identify guidelines and safeguards on when to use the concept and on what criteria it should be based.

28. Many delegations commended UNHCR for preparing a valuable and carefully balanced paper which showed the complexity of the issues and could be used as a basis for further discussion. They agreed that debate on the issue was timely and should be ongoing, possibly in an inter-sessional meeting of the Sub-Committee, and perhaps after the deliberations on this topic in the Council of Europe.

29. Several delegations cautioned generally against turning safe country into a distinct legal concept. It was stressed that it was, rather, a mechanism going to distribution of responsibilities and identification of appropriate procedures for handling certain types of claims. One delegation stressed the need to approach the notion carefully, given the difficulty of assessing human rights situations. Another delegation cautioned, in this connection, against resort to country profiles to make group decisions.

30. Some delegations saw the concept as having two dimensions. First, application of the notion had a policy dimension and in particular, should be seen in the context of prevention and state responsibility. What was needed was more effective use of human rights mechanisms and development, so that there is a safe planet of safe countries. Second, the legal dimension of the concept, called for two basic requirements to be met. In putting the concept into practice, governments must guarantee fundamental standards of justice and fair treatment, while at the same time they must allow a significant number of manifestly unfounded claims to be rejected in a considerably faster asylum procedure.

A. Safe Country of Origin

31. One delegation explained that its government did not use the concept to exclude anyone from procedures, but considered an individual from a safe country to be a prima facie non-refugee, who must give convincing evidence to the contrary at a first hearing. This delegation noted that the concept was a useful management tool. Several other delegations agreed, observing that governments needed an effective filtering method to handle increasing numbers of applications in part because manifestly unfounded claims delay the process for all asylum-seekers and substantially increase costs. Delegations queried what might be the link between the safe country mechanism and mass influxes, commenting that governments needed flexible and effective procedures in such flight situations.

32. Several delegations drew particular attention to the cessation clauses of the 1951 Convention and their complementarity with the safe country notion. It was observed that certain former refugee producing countries could now be regarded as safe, which should lead to a natural and evident implementation of the cessation clause of the Convention. One delegation commented in this regard that some countries, such as the new democracies in Eastern Europe, were no longer producing refugees. Another requested that UNHCR inform the Sub-Committee of uses made of the cessation clause in recent years, and asked for information on UNHCR's role in country of origin information, since it was critical for making decisions on safe countries of origin, as well as on cessation and repatriation.

33. Concerning country of origin information, the Chief of the Centre for Documentation on Refugees responded that UNHCR had made a beginning. One question was how best to divide the labour, since some governments have already begun and have more resources to devote to the task. The Centre was concentrating on information in the public domain, and on making use of information technology. For example, UNHCR had just concluded an agreement with Hungary for on-line access to the Centre's database. He cautioned, however, that country profiles were not automatic decision-makers, but should be thought of as one means to increase efficiency in status determinations.

B. Safe Country of Asylum

34. Several delegations reaffirmed that the fundamental criterion when considering resort to the notion, was protection against refoulement. As long as it was respected, several delegations said, additional criteria were not needed. Another delegation suggested a wider approach to protection might on occasion be called for and that alternative forms of protection, such as individual petition or safe haven, needed to be explored.

35. Several delegations felt that the concept of safe country of asylum was a fundamental consideration to be taken into account before any resort to the 1951 Convention. In one delegation's view, a claimant was ipso facto disqualified from entering national status determination procedures if coming from a country where he or she was not persecuted. It was observed that all States parties undertake equal obligations under the Convention, that the Convention establishes international standards which apply equally everywhere, and that asylum-seekers should not be able to engage in forum-shopping. This view was shared by one delegation but another disagreed, stating that asylum-seekers, even from safe countries, had automatic access to status determination procedures. One delegation said it could not associate itself with two sentences in the background note, the last sentence in paragraph 12 and the last sentence in paragraph 15, since in its view, such people were disqualified by definition and did not have compelling reasons which a receiving State had to take into account not to be returned to a country of first asylum.

36. One delegation drew attention to the problem of determining at what point in time a country should be considered an asylum country. That delegation suggested that, at a minimum, a country of transit might be considered a country of first asylum if the asylum-seeker had an opportunity to be in contact with the authorities in order to lodge a request. Another delegation noted that asylum pressures demanded rationalization of processing, particularly since some asylum-seekers go through many safe countries, or lodge multiple applications.

37. One delegation sought clarification as to whether what was being aimed at was guidelines for use in national legislation for those countries who wanted it, or whether an international regime was being sought. Several delegations agreed that international agreements are not needed, and that any application of a safe country concept was a matter for domestic legislation and international immigration cooperation.

38. With respect to the specific questions put to UNHCR, the Chief of the General Legal Advice Section responded that the first sentence in paragraph 11 was a description of a practice, not promoted by UNHCR, whereby some countries contend that an asylum-seeker from a safe country of asylum should not have access to procedures.

39. As to paragraph 12, again this was a reflection of the position taken by a number of governments and indeed by the Executive Committee, that asylum should not be refused solely on the ground that it could have been sought elsewhere. Reference was made to Conclusion No. 15 paragraph (h)(iv). Similarly, the position taken in the background note that asylum-seekers should remain able to invoke circumstances militating against return to the "safe" country of asylum reflected earlier positions adopted by the Executive Committee, for example in Conclusion No. 15(k) and in Conclusion No. 58(g). Regional instruments also recognized that asylum-seekers might be justified in choosing a certain country, for example, one where they had close family members.

40. In responding to the debate on safe country of origin and safe country of asylum, the Director of International Protection noted that UNHCR had listened with great interest to all of the interventions. He agreed with most of what had been said, particularly as regards the importance of the topic. He felt that it would be prudent to continue discussing the issue further, especially since it would also be discussed in the Council of Europe, and that perhaps guidelines could be drafted later in the year. It would be useful to work out a mechanism where considerations about the safety of countries could be made on a collective basis, to be applied in a systematic and comprehensive way, both in status determination and for the application of the cessation clause. With regard to cessation, the Director commented that it was a useful and important mechanism in the Convention and in the Statute, but that it was not equivalent to the concept of safe country. The former had to do with removing someone's refugee status, while the latter concerned whether someone will be recognized as a refugee. With particular reference to Eastern Europe, he said one could consider that many refugees fall under the cessation clause. Under the Convention, this was a judgement to be made by the States parties. Under the Statute, UNHCR could and would inform colleagues in the field about cessation following recent political developments.

41. At the conclusion of the discussion of this item, the Sub-Committee recommended that the Executive Committee adopt a conclusion on this matter in its general conclusions on protection.

Any Other Business

(a) UNHCR Guidelines on the Protection of Refugee Women

42. The Director of International Protection introduced under this sub-item document EC/SCP/67, "Guidelines on the Protection of Refugee Women," prepared by an expert consultant at the request of the Executive Committee. He noted that the request had been prompted by realisation that insufficient attention was being paid to the special protection needs of this vulnerable refugee group, despite their preponderance among the global refugee population. The guidelines should assist UNHCR, implementing partners and States to improve the protection of refugee women, which remained an important concern for UNHCR.

43. A number of delegations commended UNHCR for its progress in implementing the policy on refugee women, congratulated UNHCR on the excellent guidelines and expressed their support for them, and hoped that they would be implemented quickly. UNHCR was encouraged to develop specific plans in the coming year for incorporating the Guidelines into all its assistance, programme and protection activities and to ensure that each Bureau targets women's protection and assistance needs specifically. Several delegations called for regular reporting on implementation of the guidelines and recommended that the Executive Committee conduct a regular review. One delegation noted in this regard that all UNHCR data collected should be distinguished by gender.

44. Many delegations noted that women's needs and resources must be integrated and brought into the mainstream of budgeting and staffing, using the guidelines as a basis. UNHCR staff and those of implementing partners should be trained in the guidelines using present resources. The importance of including refugee women in decision-making was noted.

45. One delegation commented particularly on the elaboration in paragraph 46 of the categories of particularly vulnerable women. This delegation also thanked UNHCR for noting in the guidelines the complexity of gender as a basis for establishing a claim to refugee status. In several countries, violence against women was an acute problem and should be given more focus.

46. Several delegations noted that refugee children are also at risk of physical or sexual abuse, and suggested that their protection needs be considered in greater depth, in the Protection Sub-Committee.

47. At the conclusion of the discussion, the Sub-Committee recognised the great value of UNHCR's Guidelines on Refugee Children and on the Protection of Refugee Women, encouraged their active use by UNHCR field offices as tools in their training activities and, at the suggestion of several delegations, recommended that the Executive Committee, in the general conclusions on International Protection, highlight this together with the importance generally of adequate protection and assistance to meet the specific needs of refugee women and children.

(b) Implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees

48. The Director of International Protection referred to document EC/SCP/66, "Information Note on Implementation of the 1951 Convention" which contained an interim report based on replies to the questionnaire on implementation which UNHCR had circulated to States. The reports have been, he said, of great assistance to UNHCR, but the number of replies - 23 - was disappointingly small. The Office hoped to receive more replies to the questionnaire, for the purposes of a supplementary report. The Director drew particular attention to suggestions in the covering note for more regular reporting and for wider distribution of the reports, in a manner consistent with the treatment accorded to reports under other international instruments. It could also be worthwhile to consider what mechanism would be most appropriate for resolving differences of interpretation on disputed notions.

49. With regard to implementation, a number of delegations praised the interim report as a valuable contribution to promoting better implementation of the Convention, particularly in this anniversary year. They agreed that the number of countries responding to UNHCR's questionnaire was regrettably small, and encouraged countries who had not replied to do so. One delegation commented that other reports had been due recently under other human rights instruments, and that perhaps accounted for the tardiness of some of the replies to the questionnaire.

50. It was noted that whether to establish a state-reporting mechanism needed further consultations. A few delegations noted that regular reports on implementation could be very valuable to facilitate information exchange between countries, even while recognizing that reports are resource-intensive for States to prepare. Several delegations agreed that State replies to the questionnaire should be treated in the same manner and given the same distribution as State reports under human rights instruments. One delegation felt that until a system of periodic reports had been regularised, action on other suggestions to follow up the exercise might be premature.

(c) UNHCR's activities for refugee law promotion, dissemination and training

51. The Director of International Protection referred to document EC/SCP/69 which contained a report on UNHCR's activities in refugee law promotion, dissemination and training during the period July 1990 to July 1991, prepared in response to an Executive Committee request at its thirty-ninth session. He reported at the same time on progress in promoting accession to the international refugee instruments, noting that Romania and Poland had deposited their instruments of accession, becoming the 108th and 109th States Party. He expressed the hope that more States would follow suit.

52. Referring to the background note, a number of delegations commended UNHCR for its work in wide-ranging activities in promotion and training, throughout all the various regions. One delegation suggested targeting national bar associations and refugee lawyers groups for promotion efforts. The generosity of donors in supporting promotion and training programmes was praised. UNHCR was encouraged to continue to develop its activities in this area.

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EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-second session

Report of the Sub-Committee of the Whole on International Protection

Corrigendum

Paragraph 47, replace the word "recognised" by "endorsed" and the word "encouraged" by "emphasized". The sentence would then read:

"At the conclusion of the discussion, the Sub-Committee endorsed the great value of UNHCR's Guidelines on Refugee Children and on the Protection of Refugee Women, emphasized their active use by UNHCR field offices as tools in their training activities and, at the suggestion of several delegations, recommended that the Executive Committee, in the general conclusions on International Protection, highlight this together with the importance generally of adequate protection and assistance to meet the specific needs of refugee women and children."

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EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-second session

Report of the Sub-Committee on Administrative and Financial Matters

1. His Excellency, Mr. Bernard de Riedmatten, Ambassador of Switzerland, Vice-Chairman of the forty-first session of the Executive Committee of the High Commissioner's Programme and Chairman of the Sub-Committee on Administrative and Financial Matters, opened the meeting which began on 4 October 1991 and which reconvened on 8 October 1991 to adopt its report.

Chairman's Introduction

2. The Chairman extended a warm welcome to delegates, the High Commissioner, the Deputy High Commissioner. In opening the meeting the Chairman spoke of the significant role that the Sub-Committee had assumed over the last year; this development reflected the wishes expressed at the last meeting of the Executive Committee. In this context, he expressed appreciation of the work of Ambassador Franz Ceska, the former Chairman. He expressed the wish that such an active role of the Sub-Committee would continue in the months and years ahead, as needs dictated.

3. The revised Provisional Agenda (EC/SC.2/46/Rev.1) was adopted.

4. The draft summary of the 27 June 1991 meeting (EC/SC.2/1991/CRP.17) was also adopted.

Work of the Sub-Committee

5. Like the Chairman, various delegations commented on the work of the Sub-Committee over the last year and expressed the hope that the rhythm of its work would continue, to the extent that matters requiring its attention called for this. Delegations expressed appreciation of the close dialogue between Member States and the Secretariat and the increased transparency and good

governance which had resulted. Other delegations felt that many of the issues on the agenda before them would profit from deeper consideration by the Sub-Committee in its meetings over the coming year. One delegation expressed the hope that the ongoing deliberations of the Sub-Committee, especially of matters raised in the Executive Committee Temporary Working Group, would be marked not just by the letter of the Group's Report, but the spirit that had animated the Temporary Working Group. Delegations thanked the High Commissioner for her presence: not only did it reflect her interest in the Sub-Committee's work, but it was also an expression of her commitment to good management.

Deputy High Commissioner's address

6. In his address, which was essentially an overview of the agenda items, the Deputy High Commissioner first covered a series of questions related to the four areas of:

- 1991 Overall Requirements and 1992 Projections;
- Refugee Women and Children;
- Evaluation Activities;
- UNHCR's capacity to respond to emergencies.

7. The Deputy High Commissioner went on to talk of the status of Contributions and Funding Projections, and in that context thanked donors for their generous response over the last year; he also thanked refugee hosting countries for their generous hospitality.

8. The Deputy High Commissioner then commented on Conference Room Paper EC/SC.2/1991/CRP.18 which dealt with Voluntary Repatriation - Resource Mobilization for Voluntary Repatriation Movements and Reintegration Assistance. He noted that there was not one major refugee situation in the world today that was not the subject of some negotiation. The potential for the preferred durable solution of voluntary repatriation was enormous. Next, the Deputy High Commissioner spoke of a range of human resource and administrative questions, such as the question of the Review of the Classification of the Directors (D2) posts in UNHCR. He went on to praise the commitment and dedication of UNHCR staff, without which the organization would not be able to address efficiently the range of challenges confronting it. As to the Report of the Chairman of the Staff Council on issues of concern to the staff, the Deputy High Commissioner committed himself to follow up on those matters in the Report that called for attention.

Progress Report on the Evaluation of UNHCR

9. A member of the Central Evaluation Unit (UN Secretariat, New York) gave a briefing on the Progress Report of the Secretary-General on the "In-depth evaluation of the programme on the international protection of and assistance to refugees: Office of the United Nations High Commissioner for Refugees." He situated the Progress Report in the overall cycle of in-depth evaluations requested by the Committee for Programme and Co-ordination (CPC). He also briefly explained the conclusions and recommendations of the CPC at its thirty-first session (A/46/16 paras. 418-423) on the Progress Report. In response to the presentation, one delegation asked that the Central Evaluation Unit in its further study of UNHCR might look in greater depth at the question

of the apportionment of administrative costs between the UN Regular Budget and extra-budgetary funds. The Central Evaluation Unit representative said in reply that this would be done to the extent that this question impinged on the effectiveness of UNHCR in carrying out its objectives as defined in the Medium Term Plan.

General Programme Targets

10. Numerous delegations expressed satisfaction with the proposed target level for 1992; it was thought to be realistic in comparison with the 1991 revised target. Several delegations, however, did express some reservations as to the 1992 proposals. One delegation felt that 1991 income should not be taken as the yardstick for 1992 income; 1991 was a special year in many ways. One delegation urged the need for continued financial stringency in UNHCR operations. On the other hand, another delegation expressed concern as to whether the proposed allocations were adequate, given the massive needs in certain parts of the world, especially in Africa. One delegation stated that insufficient back-up had been provided for the Executive Committee to conclude that programmes are appropriate to needs. The Controller in response to this last concern, which was also articulated by several delegates from refugee hosting countries, referred to Conference Room Paper EC/SC.2/1991/CRP.22. In certain cases, he noted, 1992 needs would have to be reassessed; he felt, however, that at this stage the enhanced provisions of the Emergency Fund and the proposed increase to the Programme Reserve would be able to cover any assessed additional needs in regard to currently known refugee situations.

11. The proposal to increase the Programme Reserve met with broad support; one delegation, however, stated that recourse to the Reserve should be dictated by necessity and not be used as a regular programme adjustment tool.

12. Two delegations, in referring to the revision, in the course of the year, of the 1991 General Programmes target, expressed the hope that this would not set a precedent.

13. The need to look more closely at introducing multi-year programme planning and budgeting was again raised by one delegation. Such an approach would avoid the annual roll-over of care and maintenance expenditure and would allow for a better managed and more cost-effective approach to refugee situations.

Reporting

14. A number of delegations reflected the comments of the ACABQ on the need to rationalize reporting. Given the rather extensive Executive Committee documentation, as well as a range of information bulletins on various emergency situations, one delegation felt that discussion should be held with donors requiring additional reporting requirements. The same delegation raised the question as to whether extra reporting requirements might not be matched by a special administrative charge.

CIREFCA Process

15. Several delegations referred to the CIREFCA (International Conference on Central American Refugees) approach as a possible model for addressing

refugee situations in other parts of the world. These interventions highlighted various aspects of the CIREFCA process as of particular significance: the regional approach to refugee problems and the linkage in reintegration initiatives between attention to individual refugees and to the development needs of the country of origin, this linkage being seen as constituting an integral approach. Several delegations asked that in order to allow the full implementation of the CIREFCA process, UNHCR be requested to maintain its present level of engagement in Central America.

16. The Deputy High Commissioner in commenting on the CIREFCA process (and PRODERE) underlined what he saw as one of the problems which CIREFCA had highlighted, namely the challenge of involving development agencies to ensure that when refugees returned to their countries, they would be drawn into a complementary development process which held out more hope than the basic assistance and protection activities offered by UNHCR. In meeting this challenge of involving development agencies in a more meaningful way in repatriation movements, the Deputy High Commissioner called for the support of Member States. He also foreshadowed a joint UNHCR/UNDP evaluation of CIREFCA and a possible external evaluation.

Hosting countries

17. Three delegations raised the question of the adequacy of resources proposed for their countries for addressing refugee/returnee situations and for programme beneficiaries of special priority, namely refugee women and children. One delegation felt that having negotiated for UNHCR a more favourable exchange rate, the benefits of such a change should have been used to address in a more adequate way the programme needs in his country and should be positively reflected in the projections for 1991-1992.

World Food Programme/UNHCR Cooperation.

18. In response to queries from delegations as to the status of negotiations with the World Food Programme (WFP) on the proposed revised division of responsibilities between the two agencies, the Controller stated that a number of governments had asked for more time to consider the details of their response. He hoped that sufficient responses would allow implementation of the proposed arrangements from 1 January 1992; failing that, a phased implementation would take place in 1992. To cope with these uncertainties, the budgetary provisions for the reimbursement of Internal Transport, Storage and Handling (ITSH) costs for 1992 were provisionally set at the 1991 level. Obviously, these will have to be adjusted as the envisaged arrangements between WFP/UNHCR come into effect.

Support costs

19. A number of delegations raised questions on the level of support costs, especially for travel and non-staff costs. One delegation expressed the opinion that statutory costs, for example, salary increases, should be absorbed to the greatest extent possible.

20. In response to these interventions, the Controller expressed the belief that by the year's end the 1991 support costs in relation to total expenditure (that is for General and Special Programmes) would register a substantial drop in comparison with 1990; much would depend on the overall level of 1991

expenditure. A more equitable distribution of support costs between General and Special Programmes, an issue raised by the Executive Committee Temporary Working Group, requires further attention.

21. As regards the apparent dramatic increase in travel expenditure, the Controller pointed out that this was almost exclusively attributable to staffing requirements (travel, per diem) in relation to the Gulf crisis; in the absence of similar crises in 1992, travel expenditure could be expected to return to their normal level.

22. The proposed increase in non-staff costs at Headquarters in 1992 over that in 1991 needed to be seen in the context of an effort to redress the situation of 1991 where priority was given to the field at the expense of Headquarters.

Staffing

23. A number of delegations drew attention to the need to contain staffing levels. One delegation, while recognizing the need for flexibility, felt that the 1 January 1986 level should continue to be taken as a point of reference. Another delegation felt that the creation of new field offices should be matched by corresponding closures. Other delegations echoed comments of the ACABQ on "grade creep". The question of the ratio of Headquarters/Field posts was also raised by some delegations. One delegation called for the reintroduction of staffing lists by nationality and location in Executive Committee documentation.

24. In response to questions as to the relative distribution of staff between Headquarters and the field, the Controller, while noting that the number of UNHCR staff at Headquarters was an issue under constant review, observed that the tables as presented in the Overview document (A/AC.96/775) did not readily convey the real situation. A careful scrutiny of footnotes to these tables would show that if JPOs in the field and the staff on short-term assignment, who nevertheless were performing necessary core functions, were taken into account, the ratio would be 77.5 per cent field staff as compared to 22.5 per cent at Headquarters. This did not even take into account UNVs and other volunteers working as part of UNHCR field operations. The Director of Human Resources welcomed the request to include staffing lists by nationality and location in future Executive Committee documentation.

Refugee women

25. Several delegations pointed out that Senior Mangement, as well as the Senior Coordinator for Refugee Women, had a critical role in ensuring the ongoing priority and visibility of refugee women's issues. Furthermore, other interventions pointed out that integration of refugee women into existing operational management systems was essential. Moreover, as one delegation pointed out, the guidelines and policy on refugee women should be central issues in programme design and project approval.

26. One delegation observed that Country Chapters did not reflect the demographic profile of the target populations, neither do appeal documents consistently address the profile of refugee populations. The delegation pointed out that this information would be useful in mobilizing additional

resources to respond to a specific situation. The same delegation called for the more systematic collection of data on refugee women so as to facilitate the future evaluation of the performance of UNHCR in this regard.

27. Many delegations acknowledged the importance of retaining the position of Senior Coordinator for Refugee Women and recommended that this be funded in future from regular UNHCR funding.

28. One delegation referred to the consultations with other UN organizations on refugee women's issues and pointed this out as a good example of inter-agency cooperation. Many delegations raised concern that the issue of recruitment of additional female field staff had not yet been addressed and urged that this issue be taken up. Several delegations requested the full participation of refugee women in UNHCR programmes. In addition, some delegations commenting on the fielding of specialists related to women and children's issues, recommended that these responsibilities be mainstreamed into regular positions in the future.

29. Several delegations noted the importance of expanded training and follow-up through staff appraisals, in raising staff awareness of refugee women's issues and urged greater efforts in this area.

30. In response to these observations, the Deputy High Commissioner and the Controller remarked that they would follow up the comments on the future funding of the position of Senior Coordinator for Refugee Women. The Deputy High Commissioner, like many delegations, expressed his thanks to the government which until now had funded this position.

31. Rounding off the discussion of this issue, the Deputy High Commissioner expressed thanks also for the work of the Senior Coordinator for Refugee Women; he noted the difficulty of advocacy work, but reaffirmed the commitment of the Office to mainstreaming refugee women's concerns, and bringing about the associated attitudinal change.

Refugee children

32. Various interventions commended the Report on Refugee Children (EC/SC.2/48). One delegation asked why the Report had not also been considered by the Sub-Committee of the Whole on International Protection, as so many issues raised in the Report were of a protection nature, including the need for tracing to reunite unaccompanied children with their families.. Others in their interventions pointed to issues that needed further attention, especially in relation to unaccompanied children in South-East Asia, in particular, their early processing for the determination of an appropriate durable solution in the best interest of the child. In the light of one intervention which pointed out the wrong impression created by the sub-title of paragraph 19 of document EC/SC.2/48, it was decided to issue a corrigendum. A number of delegations expressed their opinion that UNHCR could focus better on the needs of refugee children, especially the mainstreaming of those needs, by the appointment of a Coordinator for Refugee Children, with a role comparable to that played by the Coordinator for Refugee Women; one delegation suggested that the envisaged resource might be obtained from UNICEF as an inter-agency loan. The Deputy High Commissioner undertook to take the

necessary steps to secure a special resource for refugee children and expressed the hope that the Office would be able to bring to the next Sub-Committee Meeting details in this regard.

Evaluation

33. Various interventions stressed the importance of the evaluation function, and stated that a high priority should be given to evaluation at a time when unprecendented demands were being made on UNHCR's resources, and stressed the need for a constant reassessment of changing situations. Various delegations expressed appreciation of the full account of UNHCR's evaluation activities provided in the Executive Committee papers, and endorsed the general approach outlined in them. Other delegations commended the strengthening of the Evaluation Committee, and the mechanisms which had been introduced to ensure that evaluation recommendations were integrated into decision-making. Some delegates emphasized the importance of ensuring the widespread dissemination of evaluation findings, and stressed the link between evaluation and staff training. They pointed out the need for UNHCR to develop a "culture of evaluation" within the organization. Other interventions stated that in view of its importance, sufficient resources should be made available to evaluation, even at times of emergencies, when there were particular pressures on the human resources of the organization. Some delegates suggested that there would be value in having external evaluators working alongside UNHCR staff. Several delegations supported a proposal to carry out joint UNHCR/donor evaluations. Some Member States suggested a number of areas for evaluations, for example, the examination of the cost-effectiveness of major programmes, and the factors causing dependency amongst refugees. A suggestion was also made that evaluations identify whether it is UNHCR, governments, UN agencies or NGOs which are responsible for making needed corrections. A plan of evaluation activities for 1992-1993 was requested by one delegation. Another delegation said it would appreciate more information on how the Guidelines on Refugee Children are used in evaluating programmes.

34. The Deputy High Commissioner in responding to these observations reiterated his conviction that evaluation activities constituted an important tool for UNHCR. He felt the Office should try the joint evaluation proposal; the more exposed donors are to the work of UNHCR, the more credible does the Office's work become.

Emergency Response

35. The proposals in the Conference Room Paper (EC/SC.2/1991/CRP.14) received broad support from delegations. One delegation foreshadowed a special contribution towards the project, while others spoke of negotiations between themselves and UNHCR on various aspects of the proposals, such as stockpiling and for assuring a standby capacity for staffing, logistics and communications. Numerous delegations underlined the need to work in a coordinated fashion with other agencies, especially those already stockpiling relief items. One delegation pointed out that it might be necessary to fine-tune the initiatives in the light of General Assembly discussion and decisions on the issue. One delegation noted that the real benefits of the proposals would only be seen when other agencies took similar initiatives. The delegate urged a broader distribution of the paper. Several delegations

raised specific questions in respect to the related staffing proposals and UNHCR's position in regard to the envisaged Central Emergency Revolving Fund (CERF). One delegation felt that the practice of consolidated appeals should be maintained.

36. In responding to these observations, the Controller noted that although the proposals were UNHCR specific, they would enhance any UNHCR contribution to a UN system-wide response to complex emergencies. He went on to give details of negotiations with governments (and their national NGOs) on a broad range of provisions for tapping their standby capacity, for the rapid deployment of the same and for the stockpiling of relief items. The Controller also elaborated on the purposes of an envisaged Central Emergency Revolving Fund, as well as on the role of the proposed five team leaders of the UNHCR emergency response teams; he also undertook to assure a broader distribution of the Conference Room Paper on UNHCR's capacity to respond to emergencies.

Audit Report

37. A number of delegations drew attention to various issues related to the Auditors Report, in particular questions dealing with financial management and control mechanisms, especially control mechanisms vis-à-vis implementing partners and reporting on trust funds. One delegation asked particularly for information as to why delays had occurred in implementing certain recommendations of the auditors.

38. In commenting on the various interventions of delegations, the Controller reassured the meeting that management was striving to assure adequate financial management and control mechanisms and in this regard was fully cooperating with the Internal Audit Division of the United Nations and the Board of UN Auditors. It was less an issue of procedures, as these were indeed stringent and conformed with commonly accepted standards, but more an issue of enforcing them, particularly during emergencies. Stressing the importance of adequate reporting by implementing partners, the Controller stated that UNHCR was prepared to offer the necessary assistance to agencies to enable them to fulfil the necessary reporting requirements. In commenting on the question of the reporting on Trust Funds, the Controller noted that the point under discussion was not one of accounting for Trust Funds, but the reporting thereon in the Annual Accounts. All trust funds were fully accounted for, but the auditors had proposed that only trust funds of the level of $ 500,000 and above should be listed individually in a separate schedule. In choosing this figure, the auditors were reflecting comparable approaches they were taking with other agencies within the United Nations system. This recommendation of the Auditors would be reflected in next years presentation of accounts.

Status of contributions

39. Numerous delegations paid tribute to the extraordinary response of the donor community in enabling UNHCR to address the various refugee/returnee situations that confronted it in 1991. Delegations also thanked refugee hosting countries for their generous hospitality.

Fund Raising strategy

40. Several delegations welcomed the Conference Room Paper on this subject (EC/SC.2/1991/CRP.20). Various interventions highlighted the need for greater burden sharing and the fact that UNHCR would have to face increased competition for scarce international humanitarian aid funds. While one delegation expressed appreciation for the specific ideas in the Conference Room Paper, it felt that the topic should be kept under review by the Sub-Committee.

Voluntary Repatriation

41. Delegations welcomed the Conference Room Paper on this subject (EC/SC.2/1991/CRP.18) as a useful starting point. Several delegations called for increased provisions for this purpose under General Programmes, with one delegation suggesting that the allocation under General Programmes should at least be equivalent to that under the Emergency Fund. One delegation stated that the proposals in the paper again raised the question of the relationship between General and Special Programmes. It is intended that the matter of resource mobilization for voluntary repatriation and reintegration assistance be further deliberated on in future sessions of the Sub-Committee, such as the possibility of including the costs associated with imminent voluntary repatriation in the 1993 General Programme budget.

42. Some delegations stressed the need to examine ways in which voluntary repatriation could be dealt with in a more plannned manner to enable timely and adequate funding, as well as the need to establish a mechanism towards this end.

43. One delegate stressed that voluntary repatriation and reintegration of returnees would require stronger involvement on the part of other UN agencies as requested, inter alia by the ACABQ.

Human Resources Management and Administration and the Staff Council Report

44. Numerous delegations called for more progress in preparing a comprehensive strategy on personnel policies: recruitment, status of women, rotation, staff promotion based on merit, staff evaluation etc. Other delegations, while noting the stress under which the Office was placed in facing emergencies this year, nevertheless underlined the same need by calling for a comprehensive human resources strategy.

45. Various delegations in commenting on the Report pointed to the exacting nature of UNHCR's work which requires an optimum of staff morale. Several delegations, while stating their wish not to become involved in any judgement of the accuracy of details in the Report, nor wishing to see a line drawn between staff and management with overtones of confrontation, nevertheless expressed concern about the content of the Report: it certainly said something about staff morale. Other delegations reiterated their concern about staff morale: staff were the organization's main asset; staff needed to participate in the development of the organization. Greater dialogue between staff and management was called for by several delegations. Numerous delegations praised the commitment of staff, especially those who volunteered for emergency operations.

46. The Director of Human Resources, in commenting on the interventions, clustered his remarks around two issues: emergencies (and their overall impact on the Office, in particular on the Human Resources Division) and progress in relation to the development of comprehensive personnel policies.

47. In relation to emergencies, UNHCR had recruited 83 short-term professionals and 300 short-term local staff (280 in the field) to cope with the Persian Gulf crisis. In addition, UNHCR had administered some 170 Nordic NGO staff. In the Horn of Africa, 38 short-term professionals had been recruited along with 37 local staff. Overall, UNHCR had been involved in some form of recruitment action relating to 630 staff, a figure which highlights the magnitude of UNHCR involvement in recent emergencies.

48. While special procedures had to be developed in UNHCR to meet staffing needs in emergencies, at the same time, 237 posts within UNHCR were advertised in the normal way, with only 15 filled according to the emergency procedures (of whom most were filled by redeployed UNHCR staff).

49. As UNHCR prepares to face new situations such as Western Sahara and Cambodia, the recruitment of short-term staff to complement core UNHCR staff will pose a particular problem, as other UN agencies will be competing in a very limited market for staff with a comparable profile.

50. The Director of Human Resources said that the above details mainly explained why only modest progress had been made in developing comprehensive personnel policies for UNHCR; nevertheless, progress could be reported.

51. The elements of the envisaged policy were already shared in the Overview document presented to the 1990 Executive Committee and with the Sub-Committee meeting held in May 1991.

52. It will be recalled that a joint staff/management Working Group had been set up under the aegis of JAC (Joint Administrative Committee) to look at a range of issues particulary pertinent to the work of the APPB (Appointments, Promotions and Postings Board). In April it was decided to broaden the terms of reference of the Working Group to include consideration of such topics as rotation policy, performance evaluation, standard assignment lengths etc.

53. The Working Group has already prepared reports on two topics (specialized posts and types of staff) and a preliminary report on a third topic, namely rotation. These recommendations, more specifically related to the promotion process, have been reviewed and approved by the JAC for presentation to the High Commissioner, so that a promotion exercise can be undertaken in the second half of October 1991, as jointly agreed.

54. In the meantime, a consultant has been hired to help the Working Group. It is hoped that by the end of November 1991, recommendations on some of the major elements of the revised personnel policy will have been submitted by the Working Group so that they can be shared with the Sub-Committee in mid-December.

55. In conclusion, the Director of Human Resources noted that for progress to be assured in relation to the adoption of these comprehensive personnel policies, meaningful staff/management dialogue will need to be reinforced. He

also noted that while the process leading to the development of these personnel policies might seem to be drawn out, it was considered useful to spend the necessary time to arrive at a set of policies that would stand the test of time and take all aspects of the issues into account.

Classification of Directors (D2) posts

56. Some delegations felt that the proposals ran counter to earlier specific Executive Committee recommendations and the emphasis in the Executive Committee Temporary Working Group recommendations on the need to move more senior posts to the field, as well as the other goals of greater decentralization and devolution of authority to the field. Other delegations stated in addition that they were looking with an open mind at the proposal, but would find it difficult to agree at this point in time; delegations also expressed the opinion that it would be better to consider the proposal in the context of a comprehensive human resources strategy.

55. In replying to these interventions, the Deputy High Commissioner said that he had noted the considerable concern of a number of delegations vis-à-vis the proposal. He felt that the opinion of the ACABQ should be valued for its independence and experience in this area; it was obvious that UNHCR's proposal was not regarded by the Committee as frivolous. As to the perceived departure from earlier Executive Committee recommendations, the Deputy High Commissioner pointed out that the decision in October 1989 was made in a different context and in response to a different situation. He felt it unfair if in 1991 one was to be held hostage to this earlier situation. He underlined the logic of presenting the proposal in 1991, given that in 1990 the organization was just emerging from a financial crisis. He urged the Committee to give to the High Commissioner the appropriate number of senior posts to enable the organization to conduct its business effectively. He also cautioned against any blind rush in the direction of regionalization.

Inter-agency cooperation

56. Several delegations underlined their wish that greater inter-agency cooperation continue to be pursued. Potential scope for such cooperation was seen in the areas of refugee women's issues, voluntary repatriation, emergencies etc. The proposed new divisions of responsibilities between WFP/UNHCR was cited as a good example in this respect. Various delegations in commenting on UNHCR's proposals to enhance its emergency response, made reference also, like the ACABQ, to inter-agency cooperation.

Public Information

57. Several delegations made reference to the recent report on the Public Information function within UNHCR and asked to be kept informed on developments in this area. One delegation noted that the protection role of UNHCR should be central to any image of UNHCR.

Documentation

58. While some delegations commented favorably on the quality of the documentation and its timely dispatch, other delegations called for greater clarity of presentation of certain tables e.g staffing, General Programmes

requirements, including the need for greater transparency. These criticisms echoed similar comments of the ACABQ (A/AC.96/780 para. 3). The Controller felt that some proposals on the format of Executive Committee documentation could be ready for the spring session of the Sub-Committee.

Conclusion

59. In concluding the meeting, the Chairman thanked all the participants for a fruitful exchange of ideas over a broad range of issues.

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EXECUTIVE COMMITTEE OF
THE HIGH COMMISSIONER'S PROGRAMME

Forty-second session

REPORT OF THE FORTY-SECOND SESSION OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

(Geneva, 7 to 11 October 1991)

GE.91-03113

Table of Contents

		Paragraphs	Page
I.	INTRODUCTION		
	A. Election of Officers	7	1
	B. Representation on the Committee	8-14	2
	C. Adoption of the Agenda and other Organizational Matters	15	3
	D. Opening Statement by the Chairman of the Executive Committee	16-19	3
II.	GENERAL (Items 4-9)	20	4
III.	DECISIONS AND CONCLUSIONS OF THE COMMITTEE		
	A. Conclusions and Decisions on International Protection		
	1. General Conclusion on International Protection	21	4
	2. Decision on the Report of the Working Group on Solutions and Protection	22	7
	3. Conclusion on the Report on Resettlement as an Instrument of Protection	23	7
	B. Conclusion on Refugee Women	24	8
	C. Conclusion on Refugee Children	25	9
	D. Conclusion on the Implementation of the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA)	26	10
	E. Conclusion on Repatriation to Cambodia	27	10
	F. Conclusion on the International Conference on Central American Refugees (CIREFCA)	28	11
	G. Decisions on Administrative and Financial Matters	29-35	12
	H. Provisional Agenda of the forty-third session of the Executive Committee	36	17

Table of Contents (contd.)

		Paragraphs	Page
I.	Government Observer Participation in 1992	37	17
J.	Interpretative Declarations or Reservations relating to the Conclusions and Decisions of the Committee	38	18
Annex I:	Opening statement of the United Nations High Commissioner for Refugees to the forty-second session of the Executive Committee of the High Commissioner's Programme		19

I. INTRODUCTION

1. The Executive Committee of the High Commissioner's Programme held its forty-second session at the Palais des Nations, at Geneva, from 7 to 11 October 1991. The session was opened by the outgoing Chairman, Ambassador Emeka Ayo Azikiwe (Nigeria). He extended a special welcome to her Royal Highness, Princess Martha Louise of Norway, whose concern for humanitarian work was an inspiration to all who worked in this field.

2. In his opening statement, Ambassador Azikiwe referred to the changing international political climate, and to the hopes and uncertainties it brought with it. He emphasized that the plight of refugees continued to grow: since the Committee's last session their numbers had increased, particularly in the developing countries, creating large-scale emergencies and intense suffering. New and imaginative responses were needed. He welcomed, in this context, the efforts currently underway towards achieving enhanced coordination and efficiency by the international humanitarian agencies.

3. Referring then to visits he had made to refugee camps in various African countries, he stressed that the resources made available were inadequate to cover the activities of the UNHCR programmes. He described the commitment he had witnessed of UNHCR field staff and paid special tribute to the new High Commissioner's inspiring leadership in confronting the exceptional challenges of the current year.

4. New methods and common approaches were called for, based on past experience and reflections, with a view to offering effective durable solutions to so many thousands of refugees and displaced persons. There was reason to hope that with the advent of a new era, more efforts would go to prevention, and there would be closer links between durable solutions and protection. Ambassador Azikiwe also referred to the useful work of the Working Group on Solutions and Protection, as reflected in its report. He paid tribute to the efforts of those involved in its preparation.

5. Responses to the problems of poverty and development were an integral part of the solutions to be found, as were questions of human rights and their safeguards. As long as violations occurred, refugee flows would continue.

6. In conclusion, Ambassador Azikiwe emphasized the importance of securing additional accessions to the 1951 Convention and 1967 Protocol relating to the Status of Refugees. There might also be a need to bring the provisions of the Convention in line with UNHCR's broadened mandate. The promulgation of regional instruments should also be encouraged in view of their valuable contribution to the protection of refugees. The important role of non-governmental organizations both in supplying relief materials and in undertaking studies in areas of direct concern to UNHCR must also be gratefully acknowledged.

A. Election of officers

7. Under Rule 10 of the Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman:	Ambassador B. de Riedmatten (Switzerland)
Vice-Chairman:	Ambassador J. A. Lanus (Argentina)
Rapporteur:	Mr. Zhang Yishan (China)

B. Representation on the Committee

8. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Colombia, Denmark, Finland, France, Germany, Greece, Holy See, Israel, Iran (Islamic Republic of), Italy, Japan, Lebanon, Lesotho, Madagascar, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Somalia, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia, Zaire.

9. The Governments of the following States were present as observers:

Angola, Botswana, Bulgaria, Burundi, Belarus (Republic of), Cameroon, Chile, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech and Slovak Federal Republic, Djibouti, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Honduras, Hungary, India, Iraq, Ireland, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Malawi, Malaysia, Mexico, Mozambique, Myanmar, New Zealand, Peru, Poland, Portugal, Republic of Korea, Romania, Rwanda, Saudi Arabia, Senegal, Spain, Sri Lanka, Swaziland, Syrian Arab Republic, Union of Soviet Socialist Republics, Uruguay, Viet Nam, Zimbabwe. The Sovereign Order of Malta was also represented by an observer.

10. The United Nations system was represented as follows:

The United Nations Office at Geneva (UNOG), Office of the Executive Delegate of the Secretary-General, Central Evaluation Unit of the United Nations Secretariat, Centre for Human Rights, Food and Agriculture Organization of the United Nations (FAO), International Labour Office (ILO), United Nations Research Institute for Social Development (UNRISD), World Health Organization (WHO), United Nations Centre for Human Settlements (HABITAT), Office of the United Nations Disaster Relief Coordinator (UNDRO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Volunteers (UNV), United Nations Industrial Development Organization (UNIDO), United Nations Institute for Training and Research (UNITAR), World Food Programme (WFP).

11. The following intergovernmental organizations were represented by observers:

International Bank for Reconstruction and Development (IBRD), Islamic Development Bank, Commission of the European Communities, Council of Europe, International Organization for Migration (IOM), League of Arab States, Organization of African Unity (OAU).

12. The following other organizations which have received a standing invitation to participate in the sessions and work of the General Assembly as observers were represented at the session: Palestine.

13. The African National Congress of South Africa (ANC) and the Pan Africanist Congress of Azania (PAC) were also represented at the session.

14. Some 96 non-governmental organizations were represented by observers.

C. Adoption of the Agenda and other Organizational Matters

15. The Executive Committee adopted by consensus the following agenda (document A/AC.96/772):

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda and other organizational matters.

4. General debate.

5. (a) Review of UNHCR programmes financed by voluntary funds in 1990-91 and adoption of the proposed programmes and budget for 1992;

(b) Status of contributions and overall financial requirements for 1991 and 1991;

(c) Administration and Management.

6. Consideration of the provisional agenda of the forty-third session of the Executive Committee.

7. Any other business.

8. Adoption of the draft report of the forty-second session.

9. Closing of the session.

D. Opening Statement by the Chairman of the Executive Committee

16. In his opening statement, Ambassador Bernard de Riedmatten (Switzerland) acknowledged with thanks the excellent work performed by the outgoing Bureau. He also warmly welcomed the High Commissioner's recent appointment, expressing admiration for the manner in which she had risen to the many challenges posed by the current year's events.

17. Reflecting then on the Organization as he had known it personally some 30 years earlier, the Chairman noted how radically circumstances had changed since then. From its initial role of providing protection and assistance to refugees in the aftermath of the Second World War, UNHCR was today confronted with massive population movements, of diverse and complex origins. In some situations, refugees in the traditional sense might only account for a minority. Yet the international community could not be indifferent to the consequences and human suffering associated with those movements.

18. He drew attention, however, to two grounds for optimism. The recent political changes could be expected to generate conditions for a favourable outcome of certain refugee problems and make voluntary repatriation possible: it was the responsibility of the international community to ensure that such

expectations became realities. Secondly, attention was currently focused on the need to review and improve the mechanisms implemented by the international community in providing humanitarian relief in emergencies: in this context UNHCR was taking an active part in the discussions on this topic. Opinions might diverge within the international community on some of these issues and on appropriate solutions. Yet he felt confident that the Executive Committee would adopt a constructive attitude, mindful of how vital they were for many thousands of men, women and children throughout the world.

19. In concluding his opening statement, the Chairman pledged his full commitment to the work ahead, safe in the knowledge that he could count on the full support of the Committee, the High Commissioner and her staff as well as the non-governmental organizations in the shared effort towards finding solutions.

II. GENERAL (Items 4-9)

20. The High Commissioner's opening statement to the Executive Committee is reproduced in the Annex to this Report. The full account of the deliberations of the Committee, including the statements or other interventions made by delegations on all the Agenda items of the meeting, and the closing statements by the Chairman and High Commissioner, are contained in the Summary Records of the session issued as documents A/AC.96/SR.463 to A/AC.96/SR.470.

III. DECISIONS AND CONCLUSIONS OF THE COMMITTEE

A. Conclusions and Decisions on International Protection

1. General Conclusion on International Protection

21. The Executive Committee,

(a) Notes, with concern, the persistent and complex dimension of today's refugee problems and observed that, although significant progress has been made over the past forty years in resolving these problems, the protection of refugees remains an ongoing, difficult challenge in need of solution-oriented approaches;

(b) Welcomes the continuing readiness of States to receive refugees and offer them protection, as well as to make available considerable resources to meet the needs of refugees, thus demonstrating their strong and continuing humanitarian commitment at the national and international levels;

(c) Emphasizes the primary importance of non-refoulement and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

(d) Expresses concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would continue within the United Nations system to address their protection needs;

(e) Encourages UNHCR, both at Headquarters and in the field, actively to promote greater support and understanding of UNHCR's policy and activities on behalf of refugee women, including with UNHCR's implementing partners and all appropriate national or international fora where protection problems of refugee women or girls are at issue;

(f) Commends the High Commissioner for the Guidelines on the Protection of Refugee Women (document EC/SCP/67), requests that these guidelines be made an integral part of all UNHCR protection and assistance activities and calls for a progress report on implementation of the guidelines at the forty-third session of the Executive Committee and urges the High Commissioner to maintain the position of Senior Coordinator for Refugee Women;

(g) Reaffirms Conclusion No. 59 (XL) on refugee children adopted at the fortieth session of the Executive Committee and reiterates the importance of providing adequate protection and assistance to ensure the safety and development of refugee children and, in this connection, welcomes the High Commissioner's decision to establish a new post of Coordinator on Refugee Children;

(h) Reiterates that the current size and complexity of the world refugee situation require vigorous promotion of existing protection principles, as well as full and open debate on new directions for protection and on further development of the law, paying particular attention to the responsibilities of States to resolve refugee situations and, especially with respect to countries of origin, to eliminate causes of refugee flows;

(i) Calls upon the High Commissioner in this regard actively to explore new options for preventive strategies which are consistent with protection principles, the ways in which State responsibility and burden-sharing mechanisms might be strengthened and public information strategies could be used to complement protection activities;

(j) Requests the High Commissioner to reinforce efforts to encourage or promote voluntary repatriation of refugees and their safe reintegration in the countries of origin, and urges States to facilitate these efforts, including by ensuring respect for the voluntary nature of any repatriation movement and by allowing their citizens to return in safety and dignity to their homes without harrassment, arbitrary detention or physical threats during or after return;

(k) Welcomes the recent accessions by Romania and Poland to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, appeals to States which have not yet acceded to these instruments to do so, thereby promoting international burden-sharing and facilitating the handling and resolution of refugee situations, and encourages all States actively to support the efforts of the High Commissioner to promote universal accession;

(l) Expresses appreciation to the High Commissioner for the interim report on implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and calls on all States which have not yet done so to respond to the questionnaire on implementation circulated by the High Commissioner;

(m) Acknowledges the value of reporting by States Parties on implementation of their responsibilities under the 1951 Convention and 1967 Protocol and requests UNHCR to accord public access to States' replies to the afore-mentioned questionnaire with the agreement of the States concerned;

(n) Notes that growing misuse of asylum procedures could compromise the institution of asylum and the maintenance of fair and efficient refugee status determination procedures, and recalled Conclusion No. 46 (j) (XXXVIII) which called upon States to ensure that measures to discourage abusive use of asylum procedures have no detrimental effect on the fundamental principles of international protection, including on the institution of asylum;

(o) Recognizes that the establishment of and access of all asylum-seekers to fair and efficient procedures are important elements in a coherent international strategy for the management and resolution of refugee situations and recalls in this connection Conclusion No. 8 (XXVIII) on Determination of Refugee Status, Conclusion No. 15 (XXX) on Refugees without an Asylum Country, Conclusion No. 30 (XXXIV) on the Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum and Conclusion No. 58 (XL) concerning the Problem of Refugees and Asylum-Seekers who Move in an Irregular Manner from a Country in which They Had Already Found Protection;

(p) Agrees, in view of the importance of the notion of safe country and the fact of ongoing consideration on it in other fora, that the Sub-Committee of the Whole on International Protection should continue discussion of the notion, with a view to reaching conclusions on the matter;

(q) Underlines the possibility of use of the cessation clauses of the 1951 Convention in situations where a change of circumstances in a country is of such a profound and enduring nature that refugees from that country no longer require international protection, and can no longer continue to refuse to avail themselves of the protection of their country, provided that it is recognized that compelling reasons may, for certain individuals, support the continuation of refugee status, and calls upon UNHCR to explore in the Sub-Committee of the Whole on International Protection the application of the cessation clauses;

(r) Reaffirms Conclusion No. 50 (l) (XXXIX), reiterates its call to States actively to explore and promote measures favourable to stateless persons, including accession to the international instruments pertaining to stateless persons, and in this connection believes it would be useful for United Nations human rights bodies to address statelessness issues, including the problem of arbitrary deprivation of nationality and the content of the right to a nationality;

(s) Notes with appreciation the efforts of the High Commissioner to promote refugee law through existing resources, drawing on external private funding, and calls upon the High Commissioner to strengthen the Office's training activities, in particular through training courses directed to Government officials and others working directly with refugees and asylum-seekers;

(t) Notes with concern the precarious security situation prevailing in some areas where refugees are located which has also put the staff of UNHCR at considerable risk and calls upon States to protect the security of international and local staff working in their countries on behalf of refugees;

(u) Welcomes the convening of the World Conference on Human Rights and calls upon the High Commissioner to participate actively in the preparations for and the proceedings of the Conference, bearing in mind particularly that the matter of human rights and mass exoduses merits further serious consideration;

(v) Calls upon the High Commissioner to continue to contribute, as appropriate, to the deliberations of international human rights bodies.

2. Decision on the Report of the Working Group on Solutions and Protection

22. The Executive Committee,

Accepting with appreciation the Report of the Working Group on Solutions and Protection to the forty-second session of the Executive Committee of the High Commissioner's Programme (document EC/SC/64),

(a) Decides to request the High Commissioner to convene such inter-sessional meetings of the Sub-Committee of the Whole on International Protection as may be necessary to continue the constructive discussions on pending issues of the Report of the Working Group, as well as on other relevant protection matters, and to seek consensus on action-oriented follow-up, as appropriate, of the Report, its recommendations, and the other relevant matters;

(b) Recognizes the possibility, in this connection, for the Sub-Committee to utilise outside expertise as appropriate;

(c) Decides further to request the High Commissioner to report to the Executive Committee at its forty-third session on progress in the deliberations of the Sub-Committee.

3. Conclusion on the Report on Resettlement as an Instrument of Protection

23. The Executive Committee,

Reaffirming the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances,

(a) Calls on governments in a position to assist, to establish refugee admission ceilings, in the context of international burden-sharing;

(b) Requests States when setting refugee admission ceilings to include an adequate contingency provision which could be available depending on need to address rapidly evolving situations;

(c) Recognizes that rapidly evolving situations can result in fluctuating resettlement requirements from one year to another and that admission ceilings should be adaptable to such developments;

(d) Recognizes the need for rapid and flexible response to UNHCR resettlement requirements in particular for vulnerable groups and emergency protection cases subject to refugee admission requirements of receiving States;

(e) Acknowledges the utility of close consultation with UNHCR in the resettlement activities of the Office;

(f) Recognizes that in reviewing UNHCR resettlement requests the protection element inherent in such requests should be taken into account;

(g) Emphasizes that UNHCR pursues resettlement only as a last resort, when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.

B. Conclusion on Refugee Women

24. The Executive Committee,

Having considered the Progress Report on the Implementation of the UNHCR Policy on Refugee Women (EC/SC.2/47) and the Guidelines on the Protection of Refugee Women (EC/SCP/59),

Recalling previous conclusions of the thirty-ninth, fortieth and forty-first sessions on refugee women,

(a) Expresses appreciation for the Progress Report on the Implementation of the UNHCR Policy on Refugee Women (EC/SC.2/47) and commends the Office of the High Commissioner on progress in implementing the Policy;

(b) Welcomes the development of a comprehensive set of Guidelines on the Protection of Refugee Women;

(c) Notes with satisfaction the initiation of various activities in Regional Bureaux to integrate the concerns of refugee women;

(d) Commends the Office of the High Commissioner on the initiative which resulted in International Women's Day 1991, being dedicated globally to refugee women;

(e) Welcomes the attention given to refugee women by the Economic and Social Council (ECOSOC) in its resolution on Refugee and Displaced Women and Children, adopted at its twelfth plenary session (E/1991/23);

(f) Notes with serious concern that progress continues to be limited on previous resolutions related to statistics, training, reporting, and recruitment of female staff, particularly field staff in the health, social services and protection areas, who are essential to the effective delivery of UNHCR programmes to refugee women;

(g) Notes that the assignment of the Senior Coordinator for Refugee Women funded through earmarked donor funds will terminate on 1 July 1992;

(h) Stresses the ongoing need to implement and monitor the effectiveness of the Policy on Refugee Women (A/AC.96/754) and the Guidelines on the Protection of Refugee Women (EC/SCP/67);

(i) Requests the High Commissioner to provide at the forty-third session of the Executive Committee a further progress report on the implementation of the Policy on Refugee Women, with specific focus on the issues mentioned in para. (f) above, in addition to a general evaluation of the success in implementing the UNHCR Guidelines on the Protection of Refugee Women;

(j) Urges the High Commissioner to maintain commitment at the highest levels of UNHCR to refugee women's concerns by continuing the position of Senior Coordinator for Refugee Women reporting to the Deputy High Commissioner, financed adequately through regular resources in order to sustain progress in this area;

(k) Calls upon the High Commissioner to ensure active management support in favour of mainstreaming refugee women's issues in the areas of data collection, recruitment and status of female staff in the field and at Headquarters, training, reporting, staff appraisals and evaluation;

(l) Calls upon the High Commissioner to expand the "People-Oriented Planning" training programmes and particularly to address concerns of refugee women in emergency situations, with the goal of sensitizing and training all UNHCR staff;

(m) Encourages the High Commissioner to improve public information activities in order to promote a greater support and understanding of UNHCR's policy and programmes for refugee women among other UN organizations, non-governmental organizations, academic institutions and the general public.

C. Conclusion on Refugee Children

25. The Executive Committee,

Having considered the Report on the Situation of Refugee Children (EC/SC.2/48),

Recalling previous conclusions of the Executive Committee (Conclusions No. 47 (XXXVIII) and No. 59 (XL) which drew attention to the special needs and vulnerability of refugee children,

Reiterating its concern for the welfare of refugee children who constitute around one-half of the world's refugee population and whose situation as summarized in the above-mentioned Report calls for urgent action,

Wishing to make a more concerted effort on behalf of refugee children in the light of the United Nations Convention on the Rights of the Child and along the lines of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s which singles out refugee children as among those in especially difficult circumstances,

(a) Urges the High Commissioner to continue her efforts on their behalf, especially by enhancing the administrative arrangements in the Office to address the particular needs of refugee children;

(b) Welcomes the High Commissioner's decision to establish a new post as coordinator on refugee children to ensure the coordination and follow-up of the policy on refugee children within UNHCR;

(c) Calls on Member States, intergovernmental and non-governmental organizations to assist the High Commissioner in this regard and expresses warm appreciation to those who have taken concrete steps to do so;

(d) Reiterates its invitation to Governments, other United Nations bodies, especially UNICEF, intergovernmental and non-governmental organizations and refugees themselves to work with UNHCR in the implementation of the Guidelines on Refugee Children;

(e) Suggests that UNHCR take steps to ensure that the standards set forth in the Guidelines on Refugee Children serve as a basis for programme planning and budget preparation;

(f) Underscores the need for UNHCR staff to be active advocates on protection, as well as other matters, on behalf of refugee children, especially those who are unaccompanied by their parents;

(g) Requests that UNHCR include as part of its annual budget proposals, the most recent data on the population which is to be assisted, disaggregated by age as well as gender (as previously requested by the Executive Committee).

D. Conclusion on the Implementation of the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA)

26. The Executive Committee,

(a) Welcomes the progress that has been achieved in the implementation of many of the elements of the Comprehensive Plan of Action on Indo-Chinese Refugees, and emphasizes the need for continued efforts to ensure full and balanced implementation of all the mutually reinforcing elements of that Plan;

(b) Welcomes in this regard the statement of the Steering Committee of the International Conference on Indo-Chinese Refugees at its meeting on 30 April 1991, which reaffirmed the fundamental principles underlying the Comprehensive Plan of Action, in particular the discouragement of clandestine departures and the emphasis on regular departures, and that persons determined not to be refugees should return to their country of origin in accordance with international practice reflecting the responsibilities of States towards their own citizens;

(c) Welcomes the European Community's initiative for an international programme for the reintegration of Vietnamese returnees in their country of origin, and urges donor governments which are able to do so to contribute to this programme;

(d) Welcomes progress made at the Fourth Tripartite Thai/Lao/UNHCR meeting in Luang Prabang from 27 to 29 June 1991 and at the First Tripartite China/Lao/UNHCR meeting in Kunming from 7 to 9 July 1991, on the repatriation of Lao refugees and asylum-seekers and calls upon the High Commissioner to reinforce efforts for the return and reintegration of the Lao population from Thailand and China;

(e) Calls upon the international community to contribute generously to programmes under the Comprehensive Plan of Action, including the Laotian repatriation and reintegration operation.

E. Conclusion on Repatriation to Cambodia

27. The Executive Committee,

Recalling the conclusion of the Executive Committee on Repatriation to Cambodia adopted at its forty-first session (A/AC.96/760 para. 26),

Noting that following an agreement reached among the Cambodian parties, the Five Permanent Members of the Security Council and the Co-Chairman of the Paris Peace Conference on Cambodia, the signature of a comprehensive political settlement is expected to take place on 23 October 1991,

Stressing the urgency of the preparatory work, including demining of border crossings, access roads and resettlement sites,

Noting that on 1 October 1991, the Secretary-General renewed his call for the funding of the preparatory phase of this operation, estimated at $ 33 million,

(a) Calls upon all Governments concerned to respond generously to the Secretary-General's appeal for voluntary contributions to the repatriation operation as outlined in the Secretary-General's renewed appeal;

(b) Calls upon all Governments and parties concerned to contribute to the creation of a climate of security, confidence, and conducive to human rights, and to work constructively towards the early implementation of measures to be organized by UNHCR for the safe repatriation and reintegration of returnees;

(c) Urges all parties to cooperate with the international authorities to ensure that the repatriation to Cambodia takes place in full accord with the Paris agreements and with international monitoring.

F. Conclusion on the International Conference on Central American Refugees (CIREFCA)

28. The Executive Committee,

Noting with satisfaction the concerted efforts of the countries of Central America, Belize and Mexico in finding lasting solutions to the problems of refugees, returnees and displaced persons, thereby carrying out the principles and aims of the CIREFCA Plan of Action, as an integral part of ongoing efforts to achieve peace and democracy in the region,

Considering that the substantial progress in the peace dialogue in El Salvador and Guatemala will stimulate new voluntary repatriation movements as well as the settlement of internally displaced populations,

Receiving with appreciation the report presented by the President of the CIREFCA Follow-up Committee,

Recognizing the substantial support provided to the CIREFCA process since its inception by the Secretary-General of the United Nations, the donor community, UNHCR and UNDP, as well as national and international NGOs,

(a) Exhorts the Central American countries, Belize and Mexico to pursue their implementation of programmes which integrate refugees, returnees and displaced populations into national development plans;

(b) Reaffirms the importance of elaborating these activities in the context of respect for fundamental protection and human rights principles, as contained in the CIREFCA Plan of Action;

(c) Calls upon the Office of the Secretary-General, UNHCR and UNDP to maintain their engagement to the overall CIREFCA process;

(d) Calls upon the international community to continue and reinforce its support to the CIREFCA process in order to consolidate progress achieved to date.

(e) Endorses the special attention placed by the seven countries on the particular needs of women and children, as well as in elaborating measures to protect or restore the environment;

(f) Underlines its support for the decision of the countries members of CIREFCA to convene a Second International Meeting of the Follow-up Committee in El Salvador in March 1992, in order to analyse progress to date in implementing the Plan of Action, and to devise an appropriate strategy to address new challenges in the light of the evolution of the political and socio-economic situation in the region.

G. Decisions on Administrative and Financial Matters

A

29. The Executive Committee,

Having reviewed the information contained in UNHCR activities financed by voluntary funds: Report for 1990-1991 and proposed programmes and budget for 1992 (document A/AC.96/774 Parts I-VI); the Overview of UNHCR Activities: Report for 1990-1991 (A/AC.96/775 and A/AC.96/775/Corr.1); the UNHCR Programme/Funding Projections for 1991 (EC/SC.2/1991/CRP.15); the Information Note on UNHCR Evaluation Activities (A/AC.96/776); and the Major Changes in UNHCR General Programmes Target - 1991/1992 (EC/SC.2/1991/CRP.22),

Having taken note of the Voluntary Funds Accounts for the Year 1990, the Audit Opinion and the Report of the United Nations Board of Auditors thereon (documents A/AC.96/779 and A/AC.96/779/Add.1),

Welcoming the Report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), (document A/AC.96/780),

(a) Approves the country and area programmes and the overall allocations for the 1992 General Programmes amounting to $373,054,800 (including $ 20 million Emergency Fund and a Programme Reserve of $ 32,095,900) as contained in document A/AC.96/774 (Parts I to VI), and as included in column 10 of Table II of document A/AC.96/775;

(b) Authorizes the High Commissioner to effect such adjustments in projects, country or area programmes and overall allocations, as may be required by changes affecting the refugee programmes for which they were planned, using the Programme Reserve where necessary, taking into account the information contained in the document on Major Changes in UNHCR General Programmes Target - 1991/1992 (document EC/SC.2/1991/CRP.22), and to report such adjustments to the Executive Committee at its next session;

(c) Calls upon the High Commissioner to undertake a comprehensive review of reports to the Executive Committee on UNHCR activities financed by voluntary funds, taking into account the recommendations of the ACABQ (A/AC.96/780) concerning simplification of reporting;

(d) Calls upon UNHCR to ensure that such a review addresses the need for country or area proposals to define clearly priorities and programme options and how proposed programmes meet priority refugee needs;

(e) Calls upon UNHCR, in consultation with the Sub-Committee on Administrative and Financial Matters, to ensure that the results of such a review are taken into account in preparing documentation for the forty-third session of the Executive Committee in 1992;

(f) Invites UNHCR to adapt the Guidelines on Refugee Children and the Guidelines on the Protection of Refugee Women as tools to be used by field offices in their training and their programmes and budget planning process;

(g) Recommends continuation of the practice of inter-sessional meetings of the Sub-Committee on Administrative and Financial Matters to review, inter alia, implementation of UNHCR's General Programmes, including proposed adjustments in country programming levels;

(h) Urges UNHCR to strengthen its internal control procedures to address problems in the administration of UNHCR funds as reported by the Board of Auditors, and also calls upon UNHCR to ensure that implementing partners, governmental and non-governmental, take the appropriate steps to ensure compliance with UNHCR criteria on reporting requirements;

(i) Encourages UNHCR in its efforts to improve its communication strategy as an essential tool to raise awareness of refugee issues within public opinion, to influence public policy, and to gain additional donor support.

B

30. The Executive Committee,

Having taken note of the information and proposals contained in UNHCR's Capacity to Respond to Emergencies (EC/SC.2/1991/CRP.14),

Recognizing the need for UNHCR to enhance its capacity to respond effectively and expeditiously to refugee emergencies,

Underlining the fact that such an enhanced emergency preparedness and response capability for addressing new refugee situations will also assure the quality of UNHCR's contribution to any UN system-wide response to complex, humanitarian emergency situations,

Underlining also the importance of coordination with local emergency relief entities in the affected country to ensure effective emergency preparedness and response,

Recognizing with appreciation the various contributions of Member States to assuring that UNHCR does have the capacity to respond to refugee emergencies,

(a) Calls on UNHCR to continue its efforts to improve its capacity to respond to emergencies along the lines described in the conference room paper, including the possibility of cooperation with agencies having existing stockpiling facilities;

(b) Endorses the proposals of the High Commissioner in this regard as set out in the conference room paper and calls for their early implementation;

(c) Suggests that UNHCR make active use of the Guidelines on Refugee Children and Guidelines on the Protection of Refugee Women in planning and executing any refugee emergency operation;

(d) Urges all States to assist the High Commissioner in assuring an adequate and effective emergency preparedness and response capability, especially by providing all necessary support to UNHCR for this purpose and, in the case of emergencies, by taking immediate measures to facilitate a timely response;

(e) Requests that UNHCR discuss with those NGO's with proven expertise in particular sectors, the establishment of stand-by agreements to be used rapidly to establish implementing-partner relationship in emergency situations;

(f) Encourages the High Commissioner to continue to work closely with the Secretary-General so he can assure that the United Nations is in a position to respond in a coordinated and effective fashion to complex, humanitarian emergency situations;

(g) Invites the High Commissioner to keep the Sub-Committee on Administrative and Financial Matters regularly informed about the implementation of the content of this decision.

C

31. The Executive Committee,

Noting the contents and proposals in the conference room paper Voluntary Repatriation: Resource Mobilization for Voluntary Repatriation Movements and Reintegration Assistance (EC/SC.2/1991/CRP.18),

Stressing that opportunities for voluntary repatriation as the preferred durable solution should be utilized to the fullest and urging States to facilitate efforts towards this goal,

Realizing that one of the factors that often limits the maximum utilization of these possibilities for voluntary repatriation is the unavailability of timely funding,

(a) Calls on the High Commissioner to explore with Member States and other donors, especially in the Sub-Committee on Administrative and Financial Matters, the range of options for addressing this problem, such as the possibility of including the costs associated with imminent voluntary repatriation movements in the 1993 General Programmes budget;

(b) Calls on UNHCR to promote in this regard further regional approaches to voluntary repatriation;

(c) Requests the High Commissioner to present to the next meeting of the Sub-Committee on Administrative and Financial Matters a list of priority areas where voluntary repatriation is being encouraged and is likely to succeed, including an estimate of the associated costs.

D

32. The Executive Committee,

Having noted the documents relating to the evaluation activities of the Office (A/AC.96/776; EC/SC.2/1991/CRP.19),

Recalling its earlier request that the Office's evaluation activities continue to be enhanced (A/AC.96/760, para. 29 A (m)),

Considering evaluation activities to be an essential management tool, improving the efficiency and effectiveness of UNHCR's programmes,

(a) Requests the High Commissioner to continue her efforts to assure that the evaluation function in the Office is adequately resourced, even at times of emergencies;

(b) Reiterates its belief that evaluation, both internal and external, of UNHCR's activities when professionally and independently undertaken will lead to greater efficiencies in UNHCR's programmes and commensurate savings;

(c) Requests the High Commissioner to ensure that the recommendations of the Central Evaluation Section, if appropriate, are followed up and implemented to the extent possible and to report thereon;

(d) Expresses its appreciation of summaries of UNHCR evaluation reports and asks that these summaries continue to be made available to the Executive Committee;

(e) Supports the idea of joint UNHCR-donor evaluation exercises;

(f) Calls for the establishment of baseline data concerning refugee women and refugee children in order to adequately evaluate the performance of UNHCR in implementing its policy on refugee women and refugee children.

E

33. The Executive Committee,

Taking note of the efforts made by UNHCR and relevant agencies to enhance their collaboration on assistance to refugees, returnees and displaced persons,

(a) Welcomes UNDP Governing Council decision 91/17 calling for intensified cooperation between UNDP, UNHCR and other relevant agencies on, inter alia, identification and provision of integration and development assistance to refugees, returnees and displaced persons;

(b) Encourages the High Commissioner to continue with her advocacy of greater inter-agency cooperation and in particular to undertake with the UNDP Administrator steps to bring to fruition joint activities in development fields aimed at benefiting refugees, returnees, displaced persons and their host communities.

F

34. The Executive Committee,

Having taken note of the conference room paper The Fund Raising Function of UNHCR: Strategies for Raising Funds for UNHCR (EC/SC.2/1991/CRP.20),

Recognizing the ever growing number of calls on UNHCR's services to respond to refugee situations, covering a wide range of activities from emergency assistance through to voluntary repatriation,

Realizing that UNHCR needs a coherent fund raising strategy to assure the mobilization of the necessary resources for its work,

(a) Welcomes the broad outlines of such a strategy as set out in the said conference room paper, in particular the proposals for broadening the donor base of UNHCR and the clear articulation of funding priorities;

(b) Encourages UNHCR to assess assistance policies of traditional donors - in particular their regional and sectoral priorities - with a view to broadening the range of funding sources;

(c) Urges UNHCR to give priority to the formulation of an effective communications strategy that will be directly supportive of UNHCR's major fund raising objectives;

(d) Encourages UNHCR to further explore the potential of the private sector, whilst stressing the need to closely cooperate with NGOs so as to avoid competition for private sector funds;

(e) Notes with appreciation the continued very strong donor support to UNHCR at a time of unprecedented demands on the Office which require the mobilization of significant financial resources and calls on donors to sustain their support so as to ensure the timely and full funding of current activities as well as those programmed for 1992;

(f) Reiterates the importance for the planning and implementation of activities of the early announcement of pledges, particularly at the Pledging Conference, and asks that these pledges, if earmarked, be done so in the broadest possible way in order to allow UNHCR the flexibility to allocate funds according to the most pressing needs;

(g) Requests UNHCR, in accordance with the relevant recommendation of the ACABQ in its report A/AC.96/780, to enter into consultations with donors in order to achieve greater harmonization and standardization of reporting requirements as well as streamlining of payment procedures and thus make more efficient use of human resources;

(h) Calls upon those Governments which do not contribute to UNHCR or which could increase their contributions, and are in a position to do so, to provide financial support in the spirit of international burden-sharing.

G

35. The Executive Committee,

Having reviewed the documentation related to human resources management and administration (A/AC.96/775; EC/SC.2/49), and the Note on the Review of the Classification of Directors' (D.2) posts in UNHCR (EC/SC.2/1991/CRP.16), and the comments of ACABQ thereon,

Bearing in mind the importance of maintaining a qualified, independent and geographically-balanced staff,

(a) Takes note of the report containing several issues of concern submitted by the chairman of the Staff Council (EC/SC.2/49), in accordance with the invitation formulated by the Executive Committee at its last session;

(b) Takes note of the proposals contained in document EC/SC.2/1991/CRP.16;

(c) Requests that, prior to the further consideration of these proposals, the High Commissioner provide a comprehensive note on UNHCR's human-resource development strategy at the next meeting of the Sub-Committee on Administration and Finance. The document could address at the same time both the classification of Directors' posts and other personnel policies, such as recruitment, mobility/rotation, status of women staff, performance evaluation, promotion criteria and Headquarters/field personnel ratio;

(d) Requests the Sub-Committee on Administrative and Financial Matters, in the light of its consideration of these human resource issues, to take appropriate action, including a possible recommendation on the proposals in document EC/SC.2/1991/CRP.16 to the Executive Committee;

(e) Agrees to act upon the recommendations of the Sub-Committee on Administrative and Financial Matters at the earliest possible opportunity;

(f) Calls on the High Commissioner to ensure that the Administration and staff promote a meaningful dialogue, particularly through use of the established joint staff-management machinery;

(g) Encourages the High Commissioner to pursue the ACABQ recommendations for the simplification and transparency of reports on UNHCR activities financed by voluntary funds as they relate to human resources in order to more comprehensively portray the situation at Headquarters and in the field amongst all categories of personnel;

(h) Invites the Chairman of the Staff Council to submit a report on issues of interest to the staff to the Executive Committee at its forty-third session.

H. Provisional Agenda of the forty-third session of the Executive Committee

36. The Committee adopted by consensus the following provisional agenda for the meeting of the forty-third session of the Executive Committee (document A/AC.96/XLII/CRP.1):

1. Opening of the session

2. Election of Officers

3. Adoption of the Agenda and other organizational matters

4. General debate

5. (a) Review of UNHCR programmes financed by Voluntary Funds in 1991-1992; adoption of the 1993 General Programmes budget and of any revision to the 1992 budget

   (b) Status of contributions and overall financial requirements for 1992 and 1993

   (c) Administration and Management

6. Consideration of the provisional agenda for the forty-fourth session of the Executive Committee

7. Any other business

8. Adoption of the Draft Report of the forty-third session

9. Closing of the session

I. Government Observer participation in 1992

37. The Executive Committee considered and approved applications by the following Government observer delegations for participation in the Sub-Committees of the Whole on International Protection and Administrative and Financial Matters, as well as in the informal sessions of the Executive Committee during 1992:

Bulgaria, Burundi, Cameroon, Chile, Côte d'Ivoire, Cuba, Cyprus, Czech and Slovak Federal Republic, Djibouti, Egypt, El Salvador, Ethiopia, Honduras, India, Iraq, Ireland, Jordan, Kenya, Korea (Republic of), Malawi, Malaysia, Mexico, New Zealand, Peru, Poland, Portugal, Romania, Senegal, Spain, Sri Lanka, Swaziland, Syrian Arab Republic, Uruguay, Union of Soviet Socialist Republics, Viet Nam, Zimbabwe.

J. Interpretative Declarations or Reservations relating to the Conclusions and Decisions of the Committee

A. 1. General Conclusion on International Protection

38. The delegation of Israel objected to the inclusion of the words "including a large number of Palestinians" in sub-paragraph (d).

ANNEX I

Opening statement of the United Nations High Commissioner for Refugees to the forty-second session of the Executive Committee of the High Commissioner's Programme

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

May I welcome you all to this session of the Executive Committee. Allow me to extend a special welcome to Her Royal Highness, Princess Märtha Louise of Norway. This morning Her Royal Highness graciously accepted to become UNHCR's Goodwill Ambassador. The Princess' interest in humanitarian issues is a clear reflection of the fine tradition of her family and her country. I should also like to congratulate you on your election, Mr. Chairman, as well as the Vice Chairman and Rapporteur. I look forward to continuing with this Bureau the close cooperation I have enjoyed with Ambassador Azikiwe and his Bureau. The outgoing Chairman's field trips are indicative of his own and, indeed, this Committee's close involvement and active support for refugee matters, for which I am grateful. We need it more than ever. My friend and colleague, Mr. James Ingram, Executive Director of WFP will address the meeting later today. His presence here, returning a visit I paid to the opening of WFP's Committee on Food Aid Policies and Programmes last May, shows the ever closer cooperation between our two agencies.

Mr. Chairman, the work of the United Nations High Commissioner for Refugees is a mirror of the world we live in. It is often as if the morning news sets our agenda of the day. In an age, where it is sometimes difficult to see whether news is triggered by events, or events by the news media, it is important for an institution like UNHCR to have both the capacity to respond promptly and to grasp the implications of the changes in the surrounding world. In my statement today, I would like to share with you some thoughts on how I see UNHCR in this fundamentally changed and changing world, and more particularly how UNHCR's operational capacity must be balanced by an appropriate policy formulation capability. I make my remarks after less than eight months in office - but after a period, which, in the opinion of many who have been involved in refugee matters much longer than I, has been truly unprecedented in many respects.

In the Persian Gulf, we have witnessed the largest and fastest refugee exodus in recent times. Less than five months after 1.5 million Iraqis fled their homes, all but some 70,000 are back. Some have been able to return to their homes, others - numbering some 500,000 - are back in their country but still displaced. A swift and volatile exodus has been followed by an equally fast but fragile return.

In the Horn of Africa, massive humanitarian operations have had to substitute for more constructive, economic and social development efforts. Continuing conflicts, timid democratisation and tenuous peace initiatives make that region a mixture of hope and concern.

In Europe, the free movements of people that only recently were seen as the harbinger of political change in the East have now become the source of deep concern - sometimes fears - in the West. Growing numbers of asylum-seekers have stretched existing procedures and practices to their

limits and put the institution of asylum to test. On the other hand, the countries in Eastern Europe which not so long ago were producers of refugees are now receiving them. I believe it should now be possible to look at the application of the "cessation clause" in this region. As many of these countries join the work of this Committee I welcome them, as I do their accessions or intention to accede to the 1951 Convention and 1967 Protocol. These acts underline the continued relevance of the refugee instruments in the post Cold War era.

1991 has been a year marked, not only by exodus but also by new opportunities for returns. Last month, I signed an agreement with the Government of South Africa, paving the way for a UNHCR presence in South Africa and the safe return of exiles.

Right now, we are standing in the wings ready to repatriate Western Saharans to participate in the referendum on the future of the Territory.

In Cambodia, as the lead agency for voluntary repatriation, we are accelerating our preparations to keep pace with the rapid and positive political developments. But further action is hampered by inadequate response to the Secretary-General's appeal last year on behalf of UNHCR for 33 million US dollars needed for preparatory arrangements. I must take this opportunity to urge governments strongly to make immediate and generous contributions.

Some solutions are going almost unnoticed. In Central America, for instance, refugees have been returning home in large numbers, thanks to regional peace initiatives and the CIREFCA process. During my trip to Central America later this month, I shall be closing the last refugee camp for Nicaraguans in Costa Rica.

We are establishing a presence in Eritrea as a prelude to significant returns from Sudan. The peace agreement in Angola makes it realistic to plan for the return of 300,000 refugees early next year. Negotiations are continuing for a lasting solution to the Rwandese refugee problem. A Tripartite Commission, composed of Burundi, Tanzania and UNHCR, is planning for the return of some 94,000 refugees to Burundi. Tripartite discussions between Laos, Thailand and UNHCR are expected to lead to the voluntary return of some 55,000 Laotians over the next few years, while returns to Vietnam now exceed 13,000.

The outflow from Vietnam has subsided considerably, with the notable exception of arrivals to Hong Kong. However, the stalemate in finding a dignified and humane solution to those determined not to be refugees has hampered further progress. Consultations on this important subject are continuing and I am hopeful that a consensus can be reached soon so that all those who have not qualified as refugees can return home in safety and dignity.

In Afghanistan, notwithstanding the security situation, some 200,000 refugees have returned from Pakistan this year. Likewise, despite continuing insecurity, Liberian refugees are returning to their country. I do hope that political initiatives will lead to more orderly solutions to this problem which is weighing heavily on the countries neighbouring Liberia.

New refugee emergencies, actual repatriation operations or prospective return movements, as well as on-going care and maintenance programmes, have created the highest ever UNHCR programme requirements. At the end of last

year, we expected total expenditure in 1991 to be at the level of some 560 million US dollars. Today, the projected total needs for 1991 amount to 982.5 million US dollars. A year of unprecedented needs has been matched by an equally unprecedented response. As of today, donors have made available 785 million US dollars in voluntary contributions. I am deeply thankful for this support. I see it not only as a sign of confidence in UNHCR but also as a clear commitment on the part of the international community to participate in an effort of solidarity and burden-sharing to alleviate the plight and promote solutions for the some 17 million refugees under our care. The contribution of the countries of asylum to this international effort is immeasurable.

Greater support brings with it greater expectations and greater demands. I am acutely conscious that our performance must measure up to the confidence which the international community has placed in us. You will appreciate, Mr. Chairman, the strains on a bureaucracy that in the course of fifteen months has had three High Commissioners and, within a period of eighteen months, has gone through a retrenchment exercise followed by around 60% increase in activity. The administrative and management requirements to respond to the record needs this past year have been staggering.

I have been impressed by the tolerance, patience and commitment of UNHCR staff and their families during these turbulent times. Many of them risk their personal safety in difficult field situations. Some have paid dearly for it. Mr. Chairman, I should like to record a special tribute to six Somali and Ethiopian colleagues who lost their lives during the recent upheavals in their countries. There is no doubt that UNHCR's effectiveness depends heavily on the commitment and contributions of a motivated staff, guided by a competent group of senior managers at the appropriate level as I have recommended in the Note on the Review of the Classification of the Directors' posts. I am eminently aware of the legitimate concerns in areas of staff welfare and job satisfaction. There are a range of personnel issues that need to be addressed but which have gone unattended as we have concentrated on meeting the demands of an exceptional year. I am determined to take a comprehensive look at these issues in the coming months.

Mr. Chairman, as the 40th Anniversary Year of UNHCR draws to a close, issues of migration and refugees have become an increasingly important and essential component in formulating a more open and just world order. The ending of the Cold War has placed before us new challenges. On the one hand, there are risks of further displacement as nationalistic, ethnic and religious tensions flare up. On the other hand, there are immense opportunities for solutions in the changing climate of multilaterism. At the same time, stagnant refugee situations of Afghans, Mozambicans and Liberians, fester, eroding human dignity and impeding regional peace. At this time, I believe that UNHCR must chart a forward-looking strategy which focuses on prevention and solutions and addresses the totality of the refugee problem from exodus and relief to return and reintegration. My strategic plan has three aims.

My <u>first</u> aim is to improve UNHCR's emergency preparedness and response mechanism. In addition to building its own capacity, UNHCR is also entering into agreements with Scandinavian Governments and NGOs for access to their capacities both in terms of staff and equipment. The proposals presented to you at this session will not only enable UNHCR to respond to refugee emergencies, but can contribute also to a UN system-wide emergency response in case of large and complex humanitarian disasters. I have already had the opportunity to pronounce myself on this latter issue during our meeting last

June, and also at the ECOSOC session in July. Let me simply reiterate that, based on our recent experience in the Persian Gulf area and the Horn of Africa, I see a clear need for an arrangement that fully utilises the political and humanitarian potential of the UN while assuring a coordinated operational response to complex emergencies. The goal of coordination should be to facilitate cooperation and not to add to the bureaucratic layer of control. It should be based on a standby arrangement for funds, personnel and equipment and should be supported by a standing inter-agency secretariat.

In responding to emergencies we must not forget those who are the most vulnerable, in other words the women and children. With the example of the Coordinator for Refugee Women to inspire us, I intend to appoint a Coordinator for Refugee Children as soon as possible, thanks to the support of the Government of Norway. In the past few years we have developed some useful policy guidelines on refugee women and children but it is painfully obvious that the Office still has a long way to go in translating the policies into systematic, concrete action. I am committed to improving this important area of UNHCR activities.

Another vulnerable, yet overlooked, element in emergencies, as much as in on-going refugee situations, is the environment. Economising on refugee assistance in the short term may be prohibitively costly on the environment in the long run. The impact of large numbers of refugees on the environment in Malawi and Pakistan are but two examples. We need to give greater consideration to environmental issues in our assistance activities. Degradation of the environment may lead to displacement, and displacement may cause further degradation of the environment. Conversely, sustainable development may reduce displacement. I hope that next year's UNCED Conference in Rio de Janeiro will pay attention to the link between population movements, the environment and development.

My second goal is to pursue every opportunity for voluntary repatriation. In a world where most refugees are confined to over-crowded, makeshift camps in conditions as dismal - if not more dismal - than the situation they have fled, the right to return to one's homeland must be given as much recognition as the right to seek asylum abroad. Renewed confidence in the ability of the United Nations to tackle global challenges is opening up new prospects for peace around the world. The prevention and solution of refugee problems is inextricably linked to these peace-building and peace-keeping efforts. I see 1992 as the year for voluntary repatriation.

It is very encouraging that the prospects for the return of many refugees seem brighter today than in the past. But I am concerned about the kind of life to which they are expected to go back. In July this year I visited Ethiopia, and met many of the Ethiopians who had come back from Somalia. They had come home to escape fighting in Somalia and found themselves hungry and homeless on return. They are back, but in the absence of prospects, the question is: for how long? Is the problem of displacement simply going to be shifted from one side of the border to the other? Are we going to be confronted with returnee emergencies just as we are now facing refugee emergencies? And at what cost to the fragile process of peace in these countries?

The country of origin must accept responsibility for its own citizens - both in terms of conditions which avert forced exile and also which promote voluntary return. However, large scale repatriation can only succeed if there is a concerted international effort to create proper conditions for return.

Most of the countries to which refugees are returning or will return have been devastated by war. They already have large numbers of internally displaced persons, and little or no capacity to reabsorb those who left. Returning refugees can only be properly reintegrated if there are comprehensive programmes for political, economic, and social construction or reconstruction. As such, ensuring the success of voluntary repatriation goes beyond the mandate or resources of UNHCR alone. UNHCR' s short-term relief and aid to returnees must be complemented by and integrated with the national development efforts for the entire population. UNHCR is not a development agency but I am determined to act as a catalyst, sensitising, encouraging, cooperating with development organisations, donors and, most of all, the countries concerned. I am optimistic that the concept of returnee aid and development will attract much interest and support. Firstly, the country of origin would have a clear stake in seeing its citizens return and, in the process, act as a dynamo for local, regional or national development efforts. Secondly, I trust that development organisations and lending institutions will see an interest in contributing to humanitarian solutions which might provide more stability for long-term economic development. Thirdly, donors would wish to see their resources directed towards consolidation of lasting solutions rather than protracted care and maintenance programmes in countries of asylum. Through the Note on Voluntary Repatriation I am providing some thoughts and ideas on this subject and look forward to further reflection with members of the Executive Committee.

My third objective is to promote solutions through preventive measures at the source of the problem. The first step in this approach must be to define who is in need of international protection. The Working Group on Solutions and Protection has helped to clarify some of the issues. But it is important for the international community to arrive at a clear and agreed understanding of who deserves international protection. People leave their homes not because they want to, but because they have to. Refugees flee to save their lives, economic migrants to improve the prospects of life. A better understanding of the different reasons that drive people to move will help to identify the ways in which outflows could possibly be prevented. I should clarify that I define prevention not as building barriers to stop people moving but as removing or reducing the factors which force displacement.

The root causes of refugee flows are ultimately related to political conflict and violation of human rights. When people feel their lives and liberties are secure, they have no reason to seek asylum elsewhere. The responsibility as well as the capacity for addressing these root causes lies with governments and bodies other than UNHCR. But I firmly believe that UNHCR must promote and assist such a course. We must be prepared not only to switch resources as necessary from the country of asylum to the country of origin but also to develop the necessary tools for effective action to avoid refugee flows. Among these tools are: one: closer cooperation with human rights bodies and participation in wider early warning activities. Two: developing country of origin data base. We have already started work on it. Not only will it help develop action to avoid outflows but will also help us to provide advice on refugee status determination, the application of cessation clauses and the "safe country" concept. Three: closer contacts with development and lending institutions. Four: promotion of mass communication campaigns to address the expectations and misconceptions of those seeking to move. We are about to launch a new mass communication strategy in Europe, capitalizing on our experience from Vietnam.

In fact, many of these tools have been tested in Southeast Asia under the Comprehensive Plan for Action. They have been refined and reapplied in our approach to the problem in Albania. I see them as important elements in any strategy to address potential or actual population movements in Europe.

At our June meeting, I said that an important preventive measure must be to respond to the needs of the internally displaced. Their plight is as compelling as that of those who cross national frontiers. The problem, however, goes beyond the capacity of any one agency. What is needed is a coordinated and concerted response from the UN system, ICRC and NGOs. UNHCR's experience, past and present, on behalf of internally displaced persons could serve as useful models for such concerted efforts. The ONUSAL operation in El Salvador could also offer interesting pioneering lessons in this regard. In my view, respect for national sovereignty should not restrict but should rather be reconciled with the protection and assistance needs of the internally displaced. We must build on principles of humanitarian law, human rights and refugee law to develop a legal framework and operational guidelines for humanitarian access to those in need.

In developing our strategy on prevention and solutions, let me emphasise that UNHCR should not and will not abrogate its responsibility to promote a liberal asylum policy. At a time when respect for human rights and the rule of law are gaining universal ground, I would like to see a greater emphasis -- and acceptance -- of UNHCR's supervisory protection role in favour of refugees. With this aim in mind, we have begun a review of our resources and structures in Europe, so that new policy priorities can be established and necessary changes introduced to assure efficiency and effectiveness. It should be underlined that in attempting to restructure our existing resources, we are determined to do our utmost to avoid incurring additional costs.

In this context, I believe it is crucial for UNHCR to develop a higher public profile. An effective public information strategy is an essential tool for protection. Public opinion and public policy are shaped by mass media and statements by policy makers. I am deeply concerned to sense a rising xenophobic mood in various countries, and I strongly urge all leaders to use their power and influence to combat these dangerous trends. On its part, UNHCR must contribute to a more informed and credible public debate by providing reliable facts and figures. Thus, we have already begun work within UNHCR to help improve our reporting on refugee statistics.

In concluding let me summarise: our ultimate goal must be to act in such a way that people are not forced to flee or, alternatively, that solutions can be found so that people cease to be refugees. Some of these activities fall squarely within the competence of UNHCR, others require mobilization of and cooperation with Governments, other UN agencies, intergovernmental agencies such as IOM, regional organizations, such as OAU, the Arab League, the Islamic Conference, the EC, Council of Europe, CSCE and the OAS, with ICRC, and of course with NGOs, who remain our unfailing and invaluable partners. A truly comprehensive international effort is required. I take the presence of so many of you today as a clear indication of interest and readiness to join in such efforts.

UNHCR was created 40 years ago in 1951 at the height of the East West confrontation in order to protect and assist those fleeing totalitarian persecution. Eventually the desire of people to move across borders to enjoy freer and better opportunities forced the repressive regimes in Eastern Europe to change. The crumbling of the Berlin Wall on 9th November 1989 was one of

the most significant events symbolizing the end of the Cold War. The one lesson we can learn from the past is that building walls is no answer against those who feel compelled to flee. The answer should be to build bridges -- between West and East, North and South, allowing democracy, human rights and prosperity to spread. As we meet in the 40th anniversary year, I commit UNHCR to a course that will lead to a more open and just world order in which many refugees will find their way back home and no one would be forced to flee.

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HIGH COMMISSIONER'S PROGRAMME

Forty-second session

REPORT OF THE FORTY-SECOND SESSION OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

(Geneva, 7 to 11 October 1991)

Corrigendum

Page 18, paragraph 37 should read as follows:

I. Government Observer participation in 1992

37. The Executive Committee considered and approved applications by the following Government observer delegations for participation in the Sub-Committees of the Whole on International Protection and Administrative and Financial Matters, as well as in the informal sessions of the Executive Committee during 1992:

Bulgaria, Burundi, Cameroon, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech and Slovak Federal Republic, Djibouti, Egypt, El Salvador, Ethiopia, Honduras, India, Iraq, Ireland, Jordan, Kenya, Korea (Republic of), Malawi, Malaysia, Mexico, New Zealand, Peru, Poland, Portugal, Romania, Senegal, Spain, Sri Lanka, Swaziland, Syrian Arab Republic, Uruguay, Union of Soviet Socialist Republics, Viet Nam, Zimbabwe.